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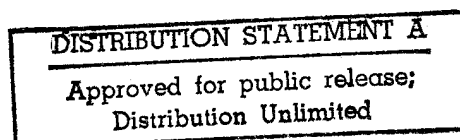
*Assessing the State and
Federal Missions of the
National Guard*

*Roger Allen Brown, William Fedorochko, Jr.,
John F. Schank*



National Defense Research Institute

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Assessing the State and Federal Missions of the National Guard

*Roger Allen Brown, William Fedorochko, Jr.,
John F. Schank*

*Prepared for the
Office of the Secretary of Defense*

National Defense Research Institute

PREFACE

The National Defense Authorization Act for Fiscal Year 1994, Section 522, required the Secretary of Defense to "provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center [FFRDC]. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions." RAND's National Defense Research Institute (NDRI) was chosen to conduct the study.

This report describes the outcomes of NDRI's research, which includes the following four study issues required by Section 522:

- Whether the currently projected size of the National Guard planned through Fiscal Year 1999 will be adequate to fulfill both its state and federal mission responsibilities.
- Whether the current system of assigning federal missions to National Guard units could be altered to optimize the federal as well as the state capabilities of the Guard.
- Whether alternative arrangements, such as the cooperative development of National Guard capabilities among the states grouped as regions, are advisable and feasible.
- Whether alternative federal-state cost-sharing arrangements should be implemented for National Guard units whose principal function is to support state missions.

This research was conducted in the Forces and Resources Policy Center of the NDRI, an FFRDC sponsored by the Office of the Secretary of Defense, the Joint Staff, and the defense agencies, and was sponsored by the Assistant Secretary of Defense, Reserve Affairs. The report will be of interest to the Departments of the Army and Air Force, the National Guard Bureau, and others concerned with national security policy and defense force structure analysis.

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SUMMARY

PURPOSE OF THE STUDY

Although the National Guard has long had both state and federal mission responsibilities, during the Cold War its force structure was based solely on federal mission requirements both explicit and derived. With the collapse of the Soviet Union and the end of the Cold War, the new regionally oriented national military strategy and supporting Base Force Plan provided for reducing both active and reserve component forces, including the National Guard. These strategy and downsizing plans, however, were not universally accepted and generated considerable debate. As part of the initial debates, some questioned the wisdom of reducing the National Guard, primarily because of its state mission contribution.

A series of developments focused attention on the important domestic mission responsibilities of the National Guard. These developments included a series of domestic disasters and emergencies, the passage of new legislation authorizing the Guard to participate in domestic initiatives designed to alleviate pressing national problems, the emergence of State Governors' concerns about the dire consequences associated with reducing the National Guard, and the Secretary of Defense's Bottom-Up Review, which acknowledged the need to support domestic missions. They contributed to existing concerns that a smaller National Guard would be unable to meet both state and federal mission requirements and led Congress in the National Defense Authorization Act for Fiscal Year 1994 to require the Secretary of Defense to provide for a study of the state and federal missions of the Guard.

The study includes the following concerns highlighted in the legislation:

- Whether the currently projected size of the National Guard planned through Fiscal Year 1999 will be adequate for the National Guard to fulfill both its state and federal mission responsibilities.
- Whether the current system of assigning federal missions to National Guard units could be altered to optimize the federal as well as the state capabilities of the Guard.
- Whether alternative arrangements, such as the cooperative development of National Guard capabilities among the states grouped as regions, are advisable and feasible.
- Whether alternative federal-state cost-sharing arrangements should be implemented for National Guard units whose principal function is to support state missions.¹

¹Public Law 103-160, 107 Stat. 1655, November 30, 1993.

SCOPE OF THE STUDY

Our early research determined that there was a paucity of national-level documentation and literature addressing the National Guard's experience in state missions. To ensure that important facts, viewpoints, and considerations essential to a full understanding and assessment of the issues were gathered, documented, and explored, we visited fifteen of the fifty-four states and territories having National Guard forces. We focused on states and territories that have experienced a recent major domestic emergency or disaster or have used the Guard extensively in a variety of domestic missions, including new federally directed and funded initiatives such as the Drug Interdiction and Counter-Drug Activities and the Civilian Youth Opportunities programs. The states and territories visited are highlighted in Appendix A. Using the results of these visits and discussions, we developed and sent a survey to all 52 Adjutants General and the Commanding Generals of the Rhode Island and the District of Columbia National Guards. The survey was designed to provide these key officials the opportunity to submit their personal views and insights on matters of direct interest to the study and to obtain basic factual information essential to a more complete understanding of the National Guard's operations in support of domestic civil authorities.²

CURRENT DOWNSIZING PLANS

The downsizing plans which evolved as a result of the Bottom-Up Review provide for reducing the National Guard to a Fiscal Year 1999 authorized end strength of 480,500, some 61,500 less than the Fiscal Year 1993 level. This equates to an overall reduction of eleven percent over the period 1993-1999 and a reduction of slightly more than fifteen percent over the period 1989-1999.

Army National Guard Highlights

The majority of the planned reductions will take place in the Army National Guard, which is to be reduced and restructured to a force of about 42 combat brigades including fifteen enhanced readiness brigades that are to be ready for deployment within ninety days of being mobilized. The rationale for these forces was: (1) to provide rotational forces for extended crises operations; (2) to share the burden of conducting peace operations; (3) to provide a deterrent hedge that could serve as the foundation of an expanded force structure; and (4) to support domestic civil authorities in both peacetime and wartime.³

When completed, this plan provides for the following:

- An Army National Guard force structure of 405,000 spaces and an authorized end strength of 367,000 personnel for Fiscal Year 1999.

²Copies of the survey instruments are provided in Appendix B.

³Les Aspin, Secretary of Defense, *Report on the Bottom-Up Review*, Department of Defense, October, 1993, pp. 93-94.

- The retention of artillery, aviation, infantry, armor, special forces, combat engineer, and combat support military police units that previously had been scheduled to be eliminated from the Guard.
- The transfer of some Army Guard force structure to the Army Reserve, primarily in the medical, logistics, and transportation areas.⁴

Comparing Fiscal Year 1999 to the Fiscal Year 1993 position, the current plan will result in a reduction of 22,000 force structure spaces (a five percent reduction) and an end strength reduction of slightly less than 56,000 soldiers (a 13 percent reduction).

Air National Guard Highlights

The Bottom-Up Review was less specific with regard to the size of Air Force Reserve and the Air National Guard. Although it cites a general reduction in the number of reserve fighter wings equivalents from twelve to seven, it does not provide specific end strength figures. Subsequently, a Fiscal Year 1999 end strength of about 106,800 was established for the Air National Guard. This represents a decrease of some 12,000 personnel (a ten percent reduction) from the Fiscal Year 1993 level of 119,300, the highest end strength authorized in more than a decade.

The missions identified for the Air National Guard include: assuming the air defense mission of the United States and, in conjunction with Air Force Reserve units, an increased share of aerial-refueling and airlift operations. Importantly, the Review also identified the need for the Air Guard to "undertake occasional short-duration fighter deployments overseas to help reduce personnel demands on the active Air Force and to meet surge requirements."⁵

The Air National Guard force structure and end strength reductions stemming from the Bottom-Up Review, however, were significantly less than those faced by the Army Guard. Thus, the Air Force and the Air National Guard were able to accommodate them and achieve their stated objectives by downsizing the number of Primary Aircraft Authorized (PAA) in units and by converting units from one aircraft configuration to another (e.g., an F-16 squadron to a C-130 squadron). This allowed for minimizing the number of unit inactivations.

FEDERAL AND STATE MISSIONS DEFINED

Our fact-finding phase revealed that there currently are differing interpretations of what constitutes a state and a federal mission. Our resulting research of the federal statutes governing the operations of the National Guard led us to conclude that, given the nature of the Congressional concerns and the new emphasis the Bottom-Up Review places on supporting domestic mission needs, it is useful to relate the Guard's federal and state missions to the three types of duty status that are available to perform them. In this regard, federal missions are performed while serving on federal active duty status and are governed

⁴MG John R. D'Araujo, Jr., Director, Army National Guard, *Army National Guard of the United States, 1995 Posture Statement*, pp. 9-10.

⁵*Ibid.*, p. 92.

by the provisions of Title 10, USC. State missions, on the other hand, may be performed while serving on either state active duty status or federally funded non-federal duty status. The former status is governed by the provisions of state constitutions and statutes; the latter by the provisions of Title 32, USC, and state laws.

FEDERAL MISSION DEMANDS IN PERSPECTIVE

Federal missions encompass all the major tasks required to execute the National Military Strategy. Federal missions are performed while serving in federal active duty status as governed by the provisions of Title 10, USC. The federal missions of relevance in the Bottom-Up Review, from a National Guard force structure perspective, include the most demanding conflict involvement of two nearly simultaneous major regional conflicts; the more specialized demands of peace and humanitarian relief operations; support for the domestic demands of disaster relief and emergency operations under federal control; and a strategic reserve or hedge against the uncertainties of the future.

From our analysis of Army and Air Force plans, it is clear that the planned Fiscal Year 1999 force structure of the National Guard is only partially employed in the most demanding of the federal missions, namely, the occurrence of two, nearly simultaneous major regional conflicts. These scenarios, however, are the principal basis for sizing the force structure of the National Guard, as well as establishing readiness objectives. Moreover, from a federal mission perspective, a large portion of the Army National Guard force structure, some twenty-seven combat brigade equivalents, will exist solely as a strategic reserve or as a hedge against the uncertainties of the future.

STATE MISSION DEMANDS IN PERSPECTIVE

The state missions of the National Guard encompass the full spectrum of tasks authorized in state law in support of the Governor of the state and in federal law in support of the Governor of a territory or commonwealth and the President of the United States with regard to the District of Columbia. Commonly summarized under the title Military Support to Civil Authorities, these missions typically include defense of the state or territory from disorder, rebellion, or invasion; emergency and disaster relief; humanitarian assistance such as aero-medical evacuation; and within regulatory guidance, community support activities. Additionally, state missions include federally funded non-federal duty and annual training carried out under the provisions of Title 32, USC, and more recently, several federally funded domestic initiatives. While state missions have not been used to determine the size of the National Guard, the primary state missions of potential relevance for assessing the adequacy of the National Guard's state force structure are emergency and disaster relief operations.

Key Employment Considerations and Concepts

Our research established that during domestic emergencies and disasters the National Guard is seldom employed on state active duty in large numbers for any lengthy period. There are three primary reasons for this. First, in general, during a disaster and emergency the National Guard generally is viewed and used as a supplementary force that is called up

and employed only when other state and local capabilities are exhausted or insufficient to handle the crisis. Second, sensitive to the employer, personal, and family hardships that may result from such call-ups, Guard leaders typically plan to and do rotate their people during such situations. Finally, it is important to recognize that state budgetary constraints exist and exert an influence on whether or not the Guard is called up for state active duty and the length of the call-up. Few state annual budgets provide the resources needed to finance a single state active duty day for each member of the state's National Guard.

State Active Duty—An Overview of Recent Experience

Figure S.1 highlights the National Guard's recent state active duty experience in support of state authorities.

Fiscal Year 1993 recorded the highest level of state active duty in over a decade. It involved slightly more than 460,000 duty days and over 34,000 Army and Air National Guard members. When compared to the average strength of the National Guard at this time, this equates to about six percent of the total available strength and is less than one state active duty day per member. The majority of these duty days were spent on a broad spectrum of specific tasks directly related to a very small number of civil disturbance emergencies or disaster relief operations.

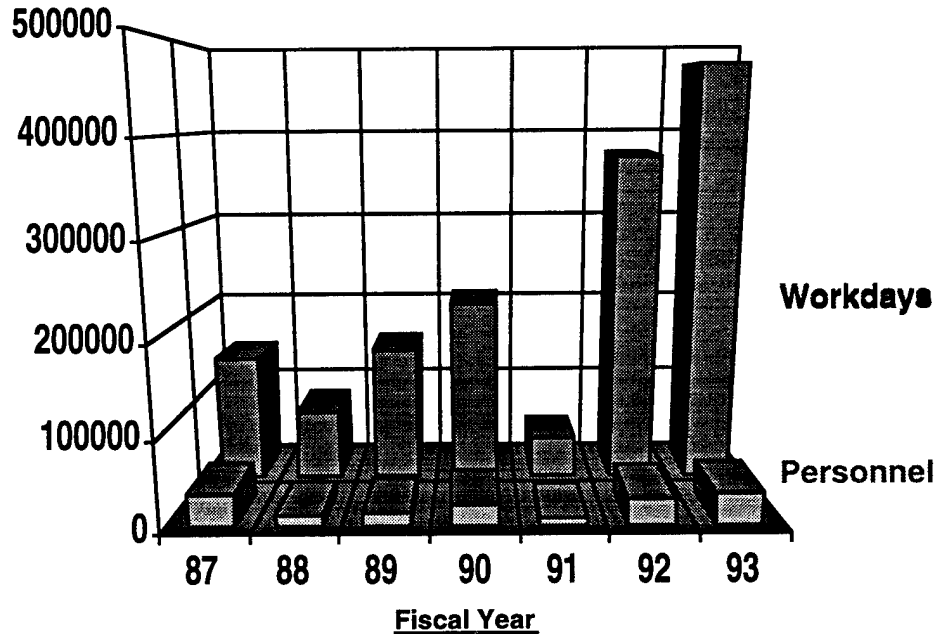


Figure S.1—Summary of National Guard State Active Duty

Domestic Emergencies and Disasters—A More Detailed Look

Our review of recent state emergencies and natural disasters over the past five to seven years shows an increase in such occurrences and a corresponding increase in the use of the National Guard. Hurricanes Andrew and Iniki, the Midwest floods of 1993, and the Los Angeles earthquakes and riots are recent examples where the National Guard was called upon to provide military support to civilian authorities. These incidents are instructive because, coupled with other experience data, they support the following observations and conclusions.

- The extent of the National Guard's involvement in support of each state, as measured in terms of the man-days of effort expended on state active duty, has varied significantly among the states over the course of the past five to seven years.
- Excepting catastrophic disasters and emergencies, the National Guard has, as a general rule, not been frequently used in a state active duty status. When called to state active duty for such purposes, the National Guard has either been used sparingly for relatively short periods of time or has been employed in a manner that facilitated personnel rotation (e.g., the more lengthy tasks during the Midwest flood relief effort).
- Catastrophic emergencies and disasters can quickly create enormous unanticipated emergency response and recovery demands that exceed the capacity and capabilities of an individual state and, infrequently, the state's National Guard.
- The federal response system, directed by the Federal Emergency Management Agency (FEMA), is structured to mitigate the significant emergency response and recovery demands associated with catastrophic disasters and emergencies.

Federally Funded Non-Federal Duty

We reviewed those tasks conducted by the National Guard under the provisions of Title 32, USC. These include the drill periods, exercises, and annual training of the National Guard required to support federal mission objectives; the efforts of members of the National Guard serving in full-time support positions; and the tasks associated with the four recent federal domestic initiatives that involve the National Guard.⁶ For example, the administration, training, and support tasks are a basis for determining the non-deploying Table of Distribution and Allowances (TDA) structure of the Army National Guard, which will be about 31,000 spaces in Fiscal Year 1999.

We found that these missions are performed in precedence after both federal and state active duty missions. The domestic programs are generally voluntary and may not degrade readiness or preclude drills and annual training of members. These domestic activities consumed significant resources of the National Guard well beyond the minimum of about

⁶The four federal domestic initiatives are addressed in detail in Appendix C.

thirty-nine days of drill and training annually. For example, the Drug Interdiction and Counter-Drug Activities program consumed between three and four times the National Guard man-days that were spent on state active duty in 1993. However, these missions were either ancillary to federal missions, such as training, maintenance, and administration, or performed voluntarily without impact on either federal or state mission capabilities. Therefore, we found no basis for using this category of National Guard duty in determining the adequacy of the future force structure except for its TDA component.

THE INTEGRATED FEDERAL-STATE DEMAND AND OPTIONS TO MITIGATE PEAK DEMANDS

We considered the possibility of the simultaneous occurrence of both federal and state missions. While historical data indicate that this is an unlikely occurrence, we determined that this integrated demand would be similar to the peak state mission demands from major emergencies and disasters with the National Guard force structure available to the states being reduced by the call-ups for higher priority federal national security missions. Having found that both the "supply and demand" at the state level were indeterminates, we decided to deal with these situations in a qualitative manner. In perspective these unique happenings would appear similar to major disasters that overwhelmed state resources, including the National Guard, but were exacerbated by reduced National Guard capabilities that forced increased reliance on the federal response system through FEMA. Additionally, recognizing the uncertainties involved, we also identified and evaluated some major policy initiatives that could potentially ease the peak mission demands placed on either the states or the federal systems.

Of six policy options analyzed, we concluded that two were feasible and had significant potential to make available additional resources to mitigate these peak demands at little or no cost. The first involved providing the President the authority to access and use heretofore untapped resources that are available in the federal reserves of all four military services for these peak domestic missions. The second involved providing the Governors greater access to the resources of other states, including their respective National Guards, through interstate mutual support agreements and compacts. A third policy option appeared to have merit but could not be given adequate evaluation. This option provided for eliminating the federal reserves of the Army and Air Force and placing their current personnel, units, and capabilities into the National Guards of the states where they are located, thereby increasing the capabilities of the states for use during peak demands. We believe this third policy option deserves further study and evaluation.

OTHER STUDY ISSUES

After careful examination of the processes by which the Army and Air Force assign federal missions to the National Guard, we conclude that it is not practical to alter these processes to optimize the capabilities of the National Guard for both the federal and state missions. The current process at the federal level attempts to optimize the needed force structure to meet federal national security mission requirements within the allocated federal

resources. Moreover, the complexity of the current process of determining federal mission requirements and the unpredictable nature of state mission demands make it virtually impossible to consider both as objective functions for optimization. In this regard, it is important to note that state mission needs tend to be unique among the 54 entities and are not easily reconcilable with the objectives of the federal processes. Finally, the foregoing notwithstanding, we believe that the role of the Adjutants General in determining the allocation and distribution of the National Guard resources among the states, particularly for new units, could be enhanced. We also believe that potential state mission demands should be considered during the selection process for determining which Guard units should be called up in response to federal missions.

Consistent with the Congressional tasking, we also reviewed current federal-state cost-sharing arrangements for National Guard units whose principal function is to support state missions. The Reconnaissance and Interdiction Detachment (RAID) units assigned to several states under the auspices of Title 32, USC, are the only units that technically fit this description. Funded by the federal government, these units have no discernible federal mission upon mobilization and exist solely for support of the state in performance of national drug interdiction and counter-drug activities. We concluded from our research and discussions that all National Guard units should be based solely on federal mission requirements, but we found no compelling reason for changing the current cost-sharing arrangements. Further, in the interests of completeness, we also explored potential funding arrangements and support for State Defense Forces, which currently are supported by several states. We found no basis for altering current arrangements. In fact, we believe that federal support of such forces, even though well-intentioned, could result in competition for resources at the state level with the National Guard. Over time such competition for resources could result in increased pressure for federal control and regulation of these forces, which is not, in general, desired by the states.

CONCLUSIONS AND RECOMMENDATIONS

The National Guard is structured and sized based solely upon federal mission requirements. The federal government sets standards, organizes units, and funds the training, equipping, and operations of the National Guard except for state active duty, and shares with the states (generally on a 75/25 percent basis) the costs of National Guard armories and facilities, which typically revert to state ownership after twenty-five years. The annual cost to the federal government of supporting the National Guard amounts to some \$10 billion annually, about 95 percent of the total National Guard funding. This federal funding includes the costs of supporting operations conducted under both Title 10 and Title 32 USC status, but mostly the latter, which includes the Drug Interdiction and Counter-Drug Activities programs and other recent domestic initiatives employing the Guard. The states derive significant benefit from the National Guard, when it is needed, by having almost unrestricted access to its capabilities without having to provide a significant portion of its total cost.

After studying the results of our field research, interviews, survey, and extensive data gathering efforts, we conclude the following:

- The current and planned Fiscal Year 1999 National Guard structures are adequate for both federal and state missions, including the unlikely, but possible, situation of simultaneous peak federal and state mission demands. Regarding the federal mission, it is clear that a substantial portion of the National Guard structure—possibly up to fifty percent of the Army National Guard—can be classified as a strategic reserve or hedge against the uncertainties of the future. Regarding the state mission, the National Guard structure is largely unused and though important during state emergency and disaster situations, it is generally not the primary response agency—state authorities in general view the Guard as a supplementary resource, provided largely by the federal government, that they can use for augmentation. Further, when states are overwhelmed by emergencies or disasters, the federal government provides an ample reserve of broad capabilities and resources that are available to assist the states.
- Federal mission requirements have been and are the primary driver of National Guard force structure. All things considered, we have found no compelling reason to suggest that the National Guard structure should be based in whole or in part on potential state disaster or emergency response requirements. We conclude that it is impractical to structure an objective-based system that appropriately considers both federal requirements and the diverse specific needs of fifty-four state and territorial civil authorities and entities, much less optimizes them within available resources.

Accordingly, we make the following recommendations to provide for additional state and federal resources to assist the states during major emergencies and disasters:

- We recommend legislation to clarify and extend the President's authority under the provisions of the existing federal law, including the Stafford Act, to access the federal reserves of the four military services for the purposes of responding to domestic emergencies and disasters without time constraints.
- We believe an appropriately worded national-level interstate mutual support compact has significant potential as a means of providing greater access to the capabilities of the states, including the National Guard. We note two concerns here. First, we have reservations about the advisability of "regional" compacts because the potential state makeup of regions does not assure broad universal access to all states of potentially needed capabilities, and regions may evolve into unnecessary or unwanted bureaucracies. Secondly, we believe the wording of this compact should clearly prescribe the appropriate conditions for moving National Guard forces under state control across states boundaries. Hence, we recommend

a national-level compact to increase state access to disaster resources and to avoid these concerns.

- Lastly, we recommend the establishment of federal level contingency stocks of common and special-purpose items for National Guard use during domestic disasters, and the removal of existing regulatory impediments and funding constraints that hinder National Guard participation in federal-state disaster and emergency response plan exercises.

ACKNOWLEDGMENTS

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At RAND, we wish to express our appreciation to Chris Swenson, Stevi Deter, and Rochelle Robinson, who assisted us in many helpful ways during the research and preparation of this report. We also extend our thanks to our colleagues, Ron Sortor and Harry Thie, who through their thoughtful reviews contributed significantly to the final publication.

We are aware that the views expressed in this report are the responsibility of the authors and do not necessarily represent the policy or positions of the Department of Defense or the Departments of the Army and Air Force.

1. OVERVIEW AND NATURE OF THE STUDY

The collapse of the Soviet Union and the end of the Cold War presented the United States with a dramatically new set of national security challenges. These new challenges, coupled with domestic fiscal constraints, resulted in the development of a regionally oriented national military strategy and plans to reduce both active and reserve component forces. The strategy and downsizing plans, however, were not universally accepted and generated considerable debate. As part of this debate, some questioned the wisdom of the proposed reductions in the National Guard, in part because of its state mission responsibilities. In this section we highlight the major concerns that led Congress to require this study, outline the scope of the study, and describe the structure of this report.

BASIS OF THE STUDY

Although the National Guard has both state and federal mission responsibilities, during the Cold War its structure was based on federal mission requirements. Thus, the initial debates of the post-Cold War era focused almost exclusively on the National Guard's federal mission responsibilities and capabilities. A series of domestic disasters and the Bottom-Up Review, however, focused attention on the Guard's important state mission responsibilities. They contributed to existing concerns that a smaller National Guard would be unable to meet both state and federal mission requirements and led Congress to direct a study in the National Defense Authorization Act for Fiscal Year 1994.

Study of State and Federal Missions of National Guard

"(a) **STUDY REQUIRED.** - The Secretary of Defense shall provide for a study of the State and Federal missions of the National Guard to be carried out by a federally funded research and development center. The study shall consider both the separate and integrated requirements (including requirements pertaining to personnel, weapons, equipment, and facilities) that derive from those missions.

"(b) **MATTERS TO BE INCLUDED.** - The secretary shall require that the matters to be considered under the study include the following:

- "(1) Whether the currently projected size for the National Guard after the completion of the reductions in the national defense structure planned through fiscal year 1999 will be adequate for the National Guard to fulfill both its State and Federal missions.
- "(2) Whether the system of assigning Federal missions to State Guard units could be altered to optimize the Federal as well as the State capabilities of the National Guard.

- “(3) Whether alternative arrangements, such as cooperative development of National Guard capabilities among the States grouped as regions, are advisable and feasible.
 - “(4) Whether alternative Federal-State cost-sharing arrangements should be implemented for National Guard units whose principal function is to support State missions.
 - “(5) Such other matters related to the missions of the National Guard and the corresponding requirements related to those missions as the Secretary may specify or the center carrying out the study may determine necessary.
- “(c) FFRDC REPORTS - Each report shall include the findings, conclusions, and recommendations of the center concerning each of the matters referred to in subsection (b).”

The second part of the Congressional requirement involves an assessment by the Secretary of Defense, together with the Secretary of the Army and the Secretary of the Air Force, of the final study report. This assessment and any recommendations for legislative action considered necessary as a result of the study and evaluation are to be submitted to the Committees on Armed Services¹ of the Senate and the House of Representatives.²

SCOPE OF THE STUDY

Our initial research provided important insights into the scope of the study and the specific concerns stated in the initiating legislation. We found that there was little literature or centralized official documentation of the National Guard involvement in state missions. We also determined that the four stated concerns were of differing levels of research demand. The concern over the adequacy of the size of future National Guard structure was the most significant research issue. We will analyze the size by considering both the force structure and the end strength at both the state and federal levels of aggregation as the supply portion of the supply-versus-demand equation in determining adequacy. The remaining concerns were relatively narrow in scope or application, and all three of the latter concerns dealt with various ways to improve National Guard capabilities for use in state missions.

To ensure that important facts, viewpoints, and considerations essential to a full understanding and assessment of the issues were gathered, documented, and explored, we visited fifteen of the fifty-four states and territories having National Guard forces. We focused on states and territories that have experienced a recent major domestic emergency or disaster or have used the Guard extensively in a variety of domestic missions, both federal and state, including new federally directed and funded initiatives such as the Drug Interdiction and Counter-Drug Activities and the Civilian Youth Opportunities programs.³

¹In subsequent action the Congress has renamed the committee in the House to be the National Security Committee.

²Public Law 103-160, 107 Stat. 1655, November 30, 1995.

³The states and territories visited are highlighted in Appendix A.

Using the results of these visits and discussions, we developed a survey which was sent to all 52 Adjutants General and the Commanding Generals of the Rhode Island and the District of Columbia National Guards.⁴ This survey had two objectives. The first was to provide these key officials the opportunity to provide their personal views and insights on matters of direct interest to the study. The second objective was to obtain basic factual information essential to a more complete understanding of the National Guard's operations in support of domestic civil authorities.⁵ The survey results have been integrated into our study.

STRUCTURE OF THE REPORT

The remainder of this report is structured as follows:

- We provide essential background and a statutory-based explanation of a federal and a state mission (Section 2), and then highlight the major features of the current strategy and the plan to downsize and restructure the Army and the Air Force National Guards (Section 3).
- Next, we present our assessments of the adequacy of the projected FY 1999 structure to accomplish its potential federal and state mission demands (Sections 4 and 5) as well as simultaneous peak mission demands and the major policy options available for meeting these needs (Section 6).
- We conclude by providing our assessment of the four Congressional concerns, concluding observations, and recommended actions for the future (Section 6).

We also provide a number of appendixes in this report that contain additional information on matters pertinent to the study, including information on federally directed and funded domestic initiatives.

⁴Having Commanding Generals in the District of Columbia and Rhode Island in lieu of Adjutants General is a historical oddity in name only but not function.

⁵Consistent with these objectives, the survey had two parts: the first was to be completed by the Adjutants General; the second by their supporting staffs. A copy of both survey instruments is provided in Appendix B.

2. BACKGROUND AND KEY DEFINITIONS

The National Guard, with its state and federal mission responsibilities, is a unique intergovernmental institution. Although its structure during the Cold War was based on federal mission requirements, a series of recent developments have led some to suggest that its future structure should be based in part upon state mission requirements. In this section we highlight those developments and provide a statute-based definition of what constitutes a federal and state mission.

RECENT DEVELOPMENTS LEADING TO THIS STUDY

In addition to the initial post-Cold War debates, which focused on the federal mission, a series of domestic disasters and the Guard's participation in new federal domestic initiatives focused attention on the Guard's domestic mission contribution. This heightened awareness, coupled with state governor concerns about the impact of Guard force structure reductions, gave rise to proposals to mitigate the potential impact on the states of these reductions and the deployment of Guard forces for federal missions. These proposals included an expansion of State Defense Forces (State Militia, State Military Reserves, etc.) as well as the establishment of interstate regional compacts. Finally, following a change in administrations, the Bottom-Up Review, in a marked departure from the Cold War period, acknowledged in its principal defense strategy the need for military forces, particularly the National Guard, to support civil authorities in responding to domestic crises.

The Initial Post-Cold War Debates: A Federal Mission Focus

As the decade of the 1980s drew to a close, Congress became increasingly concerned that the post-Cold War national military strategy and planning did not reflect the dramatically changing strategic environment and domestic fiscal constraints. Consequently, in the Defense Authorization Act for Fiscal Years 1990 and 1991, and again in the Defense Authorization Acts for Fiscal Year 1992 and 1993, Congress directed the Secretary of Defense to undertake comprehensive studies that assessed the structure and mix of future active and reserve component forces. The resultant reports focused on the active and reserve forces needed to accomplish expected major regional conflict (MRC) missions.¹ They did not consider the requirements for National Guard forces to perform disaster relief, civil disturbance, drug interdiction and counter-drug operations, or other domestic missions. A series of events, however, heightened public awareness of the Guard's important state and domestic mission responsibilities.

¹These reports are DoD, *Total Force Policy Report to the Congress*, December 1990, and National Defense Research Institute, *Assessing the Structure and Mix of Future Active and Reserve Forces: Final Report to the Secretary of Defense*, Santa Monica, Calif.: RAND, MR-140-OSD, 1992.

Domestic Emergencies and New Federally Directed Domestic Initiatives

In addition to the initial debates of the early 1990s on defense strategy and force structure issues, we have also witnessed a series of seemingly continuous, catastrophic domestic emergencies, most notably the California earthquakes and civil disturbances, Hurricanes Andrew and Iniki, and the Midwest floods. These events focused public attention on the National Guard's domestic mission responsibilities and dual roles, federal and state, in domestic emergencies. The Fiscal Year 1992 report of the Reserve Forces Policy Board highlighted the broad scope and nature of the National Guard's contribution during such emergencies.

During fiscal year 1992, the National Guard responded to 322 state emergency missions in 51 of our 54 states and territories. Included were 4 civil disturbance missions, 112 natural disasters, and 206 domestic emergencies such as providing electrical power, potable water support, search and rescue operations, support to law enforcement, fire fighting, and general aviation support. These missions required the use of 27,782 Guardsmen, and accounted for [a total] of 374,966 man-days.²

This period also saw the passage and enactment of a number of new initiatives involving the National Guard that were intended to address pressing national problems. These included:

- *The Drug Interdiction and Counter-Drug Activities Program*, which authorized the Secretary of Defense, under certain conditions, to provide funds to a state governor to support the participation of the state's National Guard in drug interdiction and counter-drug activities.³
- *The National Guard Civilian Youth Opportunities Pilot Program*, which authorized the Secretary of Defense, acting through the Chief of the National Guard Bureau, to conduct a pilot program to determine "whether the life skills and employment potential of civilian youth who cease to attend secondary school before graduating can be significantly improved through military-based training, including community service and conservation projects, provided by the National Guard."⁴
- *The Pilot Program to Use National Guard Personnel in Medically Underserved Communities*, which was intended "to provide training and professional development opportunities for members of the National Guard through the

²Reserve Forces Policy Board, *Reserve Component Programs: Fiscal Year 1992*, January 1993, p. 26.

³Public Law 101-189, National Defense Authorization Act for Fiscal Year 1990 and Fiscal Year 1991, Title XII, November 29, 1989.

⁴Public Law 102-484, National Defense Authorization Act for Fiscal Year 1993, Title X, Subtitle I, Youth Service Opportunities, Section 1091, October 23, 1992.

provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard.”⁵

- *The Pilot Outreach Program to Reduce Demand for Illegal Drugs*, which was to “include outreach activities by the active and reserve components of the Armed Forces” and “focus primarily on youths in general and inner-city youths in particular.”^{6,7}

The Emergence of State Governor Concerns

DoD proposals to reduce the Reserve and National Guard structure in the spring of 1991, and again in the spring of 1992, raised considerable concern at the state government level. In addition to individual governors expressing their concerns, the National Governors’ Association wrote its membership:

Eight hundred thirty National Guard and reserve units would be reduced or eliminated during the next two years Units would be closed in all fifty states, the District of Columbia, and Puerto Rico, affecting more than 140,000 Guard members and reservists

While the DoD announcement reflects a 10 percent reduction, the changes represent more than a 30 percent reduction to the National Guard of every state. In the years between 1992–1995, some states will lose more than 50 percent of their Guard and reserve personnel.

With the closing of armories and [the] major reduction in personnel, states will suffer an economic loss, given the reduction in federal funds in support of the National Guard mission. In addition, some state National Guard units could lose equipment used to handle emergencies and other incidents.⁸

The concerns voiced by the governors resulted in proposals that they be provided a greater consultative voice in determining National Guard force structure.⁹ They also resulted in congressional members expressing support for expanding State Defense Forces and the emergence of initiatives to establish regional compacts among states as a means of mitigating the projected dire consequences associated with reducing the Guard structure.

⁵*Ibid.*, Title III, Subtitle G, Other Matters, Section 376.

⁶Title 32, U.S. Code, Section 112, Drug Interdiction and Counter-Drug Activities.

⁷Additional discussion of these four initiatives is provided in Appendix C.

⁸Advisory Commission on Intergovernmental Relations, *The National Guard: Defending the Nation and the States*, April 1993, pp. 32–33. It should be noted that the dire predictions in this report were exaggerated by more than an order of magnitude.

⁹*Ibid.*, p. 4.

A Renewed Interest in State Defense Forces

The term "State Defense Forces" refers to organizations with a variety of names such as State Guards, Home Guards, State Militia, State Military Reserves, etc., that are under the exclusive jurisdiction of state authorities.¹⁰ "State" in this context is a generic term that is used to refer to the states as well as the District of Columbia, the Commonwealth of Puerto Rico, and the Territories of Guam and the U.S. Virgin Islands. Federal law authorizes such forces in addition to a state's National Guard and provides that they may not be called, ordered, or drafted into the armed forces of the United States.¹¹

Early in President Reagan's first term, DoD supported establishing such volunteer militia forces as a means of "... accomplishing those State emergency responsibilities normally assigned to the National Guard when that force is federalized or otherwise not available to the needs of the governor. In addition, they would be available to perform such missions as the governor directs, within Federal and State laws concerned."¹² The primary objective of DoD at this time was to establish a cadre-sized unit within each state during peacetime that could be rapidly expanded should the need arise.¹³

At least twenty states had such forces in the early 1990s. These forces, which are not entities of the federal government and are not federally recognized, receive only limited advisory assistance from National Guard officials. Several members of Congress, however, expressed support for these forces and by May of 1992 three bills had been introduced that generally sought to allow for expanded federal assistance of State Defense Forces.¹⁴ Since State Defense Forces are a potential alternative capability to address state missions, we considered them in the study.

Interstate Compacts

Throughout the years, a number of different types of interstate mutual support agreements have been developed and executed. These voluntary agreements essentially provided that the signatories will, if possible, provide assistance to each other during civil emergencies including natural or man-made disasters.

States require the consent of Congress to enter into compacts to expedite the interstate use of emergency response assets during an emergency. These compacts may be either general or limited in nature. Efforts made in 1991 to start a compact that involved sharing National Guard resources among states faltered and were subsequently overtaken by the Southern Governors' Association initiative in 1992 to develop a regional compact. This compact, which was endorsed by all nineteen Governors of the Association in 1993, is

¹⁰National Guard Regulation 10-4, State Defense Forces, National Guard Bureau and State National Guard Interaction, 1 October 1987.

¹¹*Ibid.*, p. 2.

¹²*Ibid.*

¹³*Ibid.*, p. 3. Potential missions identified for such forces included: assisting civil authorities in preserving order and protecting life and property; meeting domestic emergencies that may arise within a state; and assuming control of state armories and property, providing security for any federal property, and assisting in the mobilization of the National Guard when so directed by the governor.

¹⁴Advisory Commission on Intergovernmental Relations, pp. 38-39.

designed to facilitate the sharing of all state agency resources, not just those of the National Guard.¹⁵

The Bottom-Up Review: Recognizing Domestic Requirements

The DoD Bottom-Up Review, initiated by Secretary of Defense Les Aspin in March of 1993 and completed in the fall of 1993, addressed the nation's defense strategy, force structure, modernization, and infrastructure. It supported the need to maintain the capability of fighting and winning two nearly simultaneous major regional contingencies and recommended that U.S. active duty forces be reduced to approximately 1.4 million men and women in FY 1999—about 200,000 fewer than that previously proposed—and that increased reliance be placed on a smaller, restructured reserve component force structure. Significantly, the review also explicitly acknowledged the need for the nation's reserve component forces, particularly the National Guard, to support civil authorities in responding to domestic crises.

Although acknowledging the need to support domestic missions in broad terms, the review did not specifically identify the force structure or fiscal resources required to accomplish them. Accordingly, our field research focused on the nature and scope of these requirements and their relationship to state and federal missions. During our research we discovered these mission categories were not well defined.

FEDERAL AND STATE MISSIONS DEFINED

The Congressional requirement to conduct this study recognized two types of National Guard missions: state missions and federal missions. Although seemingly simple in concept, there are differing interpretations of what constitutes a state and a federal mission. Many officials we interviewed felt that the Guard's involvement in new Congressionally directed domestic initiatives, such as the Drug Interdiction and Counter-Drug Activities and the Civilian Youth Opportunities programs, was a federal mission since it was authorized by Congress and paid for with federal funds. This view, however, was not universal.

There are several ways to differentiate National Guard missions -- who authorizes the National Guard to perform a mission, who controls them during the conduct of the mission, who pays for the mission, where (geographically) the mission is conducted, and what laws, state or federal, govern Guardsmen during the conduct of the mission. Our resulting research of the federal statutes governing the operations of the Guard and discussions with the Special Counsel to the Chief, National Guard Bureau, led us to conclude that it is useful to relate the Guard's federal and state missions to the three types of duty status that are available to perform them. In this regard, federal missions are performed while the National Guard is serving on federal active duty status and are governed by the provisions of Title 10, USC. State missions, on the other hand, may be performed while the National Guard is serving on either state active duty status or federally funded non-federal duty status. The

¹⁵A copy of this compact is provided in Appendix D.

former status is governed solely by the provisions of state constitutions and statutes; the latter by the provisions of Title 32, USC, and state laws.

Federal Missions

Federal missions of the National Guard include:

- all national security and defense missions ranging from full-scale military conflict (i.e., major regional conflicts) to operations other than war (e.g., peacemaking, peacekeeping, humanitarian operations, and forward presence requirements);
- deployments for training outside the boundaries of the United States; and
- support for domestic disaster relief and emergency operations under federal control (e.g., the federalization of the California National Guard during the Los Angeles riots).¹⁶

Federal missions are conducted under the provisions of Title 10, USC, are authorized and directed by the President or other authorized federal officials, and are paid for with federal moneys. Federal missions take precedence over state missions.

State Missions

Unlike federal missions, state missions are performed in two different ways--state active duty status and federally funded non-federal duty status.

State missions performed under state active duty status are:

- approved by the Governor of the state or other state authorized officials;
- conducted under the control of the state Adjutant General (or Commanding General in the case of Rhode Island and the District of Columbia) or other appointed officers of the state National Guard;
- governed by state laws and constitutions;
- paid for by the state (which may be reimbursed by the federal government); and
- conducted within the boundaries of the state or territory except when assisting other states under approved interstate support agreements or compacts.

State missions under state active duty status typically involve supporting state officials and organizations during domestic civil emergencies and natural or man-made disasters. They also include humanitarian assistance and community support activities. These missions are second in precedence to federal missions.

State missions performed under federally funded non-federal duty status include:

¹⁶Federal law also allows the President to activate the National Guard to reestablish federal law and order; it is called in this case federal militia.

- mandatory active and inactive duty training requirements and drills conducted within the boundaries of the United States in preparation for potential federal missions;
- full-time support for those members of the National Guard in Military Technician or Active Guard and Reserve (AGR) status; and
- participation in Congressionally directed domestic programs.¹⁷

These missions are governed by provisions in Title 32, USC. Although paid for by the federal government, these missions are authorized by the Governor of the state and are under the control of the state Adjutant General or other authorized state National Guard officials. State missions in non-federal duty status are third in precedence after federal missions and state active duty missions.

SUMMARY

Table 2.1. highlights the principal distinctions among the two types of missions and three types of duty status. The order of precedence for performing missions is federal then state. Further, within the state mission category, missions performed on state active duty have higher precedence than those performed in a non-federal duty status.

In addition to illuminating the full scope of the missions being performed by the National Guard today and their legislative authorities, this definitional framework facilitates a more informed appraisal of the adequacy of the planned future structure to support these missions. In the next section, we highlight the major features of the Cold War and post-Cold War strategies and plans for downsizing the Army and the Air National Guards.

Table 2.1
Attributes of National Guard Missions

Type of Mission	Federal	State	
Duty Status	Federal Active Duty	State Active Duty	Non-Federal Duty
Defining Attributes	Federal Law (10 USC) Federal Funding Federal Approval Federal Control Federally Executed	State Laws State Funding State Approval State Control State Executed	State & Federal Law (32 USC) Federal Funding Federal Approval State Control State Executed

¹⁷Currently, these federal programs include the Drug Interdiction and Counter-Drug Activities program, the Use of National Guard Personnel in Medically Underserved Communities, Civilian Youth Opportunities program, and the Drug Demand Reduction program.

3. DEFENSE STRATEGIES AND PLANS FOR DOWNSIZING THE NATIONAL GUARD

The national military strategy provides the overarching rationale for current and planned military capabilities and forces and establishes the broad strategic direction for the nation's armed forces. Based on the President's National Security Strategy, the projected international security environment, and domestic fiscal constraints, it identifies the fiscally constrained military capabilities and forces required to accomplish the national objectives with an acceptable level of risk in both the near term and longer term. In this section we highlight the major features of the Cold War and post-Cold War strategies that guided defense planning, focusing primarily on the strategic objectives provided by the Bottom-Up Review, the current plans for downsizing the Army and the Air National Guard, and the decisionmaking processes used to develop them. We conclude by highlighting the projected Fiscal Year 1999 distribution of National Guard personnel among the states that will result from these plans.

COLD WAR DEFENSE STRATEGY AND PLANNING

Throughout the Cold War, defense planning was primarily based on the threat of a global war with the Soviet Union. The Guard and Reserve role in the defense framework of this period was one of mobilizing and deploying a broad array of different types of forces to assist U.S. active forces in defeating such a threat. The defense of Western Europe, though not the only possible scenario envisioned, was the driving factor in determining the size and mix of the active and reserve component conventional forces of the Army and the Air Force.

Following the advent of the All-Volunteer Force in 1970, the DoD adopted the Total Force Policy as a means of guiding decisions regarding the appropriate mix and structure of active and reserve component forces. During the Cold War this policy had two fundamental tenets: "first, reliance on reserve forces as the primary augmentation for the active force; second, the integrated use of all forces that are available—active, reserve, civilian, and allied."¹ Its objective was "to maintain as small an active peacetime force as national security policy, military strategy, and overseas commitments permit, and to integrate the capabilities and strengths of active and reserve forces in a cost-effective manner."²

POST-COLD WAR STRATEGIES AND PLANNING

With the fall of the Berlin Wall, the dissolution of the Warsaw Pact and Soviet Union, and the resultant end of the Cold War, the threat that had provided the primary focus and foundation for defense planning for over forty years abruptly dissipated. In response to this dramatic change in world conditions, U.S. national security strategy shifted from containing Soviet aggression and maintaining a capability to fight a global war to one of deterring

¹DoD (1990), p. 13.

²*Ibid.*

regional aggression and maintaining the capability to meet projected major threats to U.S. national security interests.

The Regional Defense Strategy

The major themes of a new post-Cold War defense strategy were first articulated by President Bush on August 2, 1990, the day that Saddam Hussein invaded Kuwait. These themes established the basis for a new regionally oriented defense strategy and a plan to downsize and restructure both active and reserve component forces. The new strategy, which was subsequently amplified by the lessons learned from the Persian Gulf War, had four essential elements:

- **Strategic Deterrence and Defense**—a credible strategic nuclear deterrent capability, and strategic defenses against limited strikes.
- **Forward Presence**—forward deployed or stationed forces (albeit at reduced levels) to strengthen alliances, show resolve, and dissuade challengers in regions critical to us.
- **Crisis Response**—forces and mobility to respond quickly and decisively with a range of options to regional crises of concern to us.
- **Reconstitution**—the capability to create additional new forces to hedge against any renewed global threat.³

The Base Force Plan, which accompanied the strategy, provided for downsizing and restructuring active and reserve component forces and maintaining the capability to prosecute, unilaterally if necessary, two nearly simultaneous major regional conflicts. Under this plan the active components were to be reduced to about 1.6 million in Fiscal Year 1995; the reserve components to about 922,000.

The new strategy and Base Force Plan were not universally accepted. The initial debates that ensued led to the Congress delaying proposed reserve component force structure reductions and requiring the department to submit a Total Force Policy report to the Congress.⁴ After reviewing this report, the Congress, in the National Defense Authorization Act for Fiscal Years 1992 and 1993, subsequently required the Secretary of Defense to have a federally funded research and development center independent of the military departments undertake a comprehensive study of the structure and appropriate mix of active and reserve forces. This study, conducted by the National Defense Research Institute of RAND, was completed and forwarded to the Secretary in 1992. Although it examined a broad array of alternative active and reserve force mixes and structures to accomplish the national military

³Richard Cheney, Secretary of Defense, *Defense Strategy for the 1990s: The Regional Defense Strategy*, Department of Defense, January, 1993, p. 11.

⁴This report, required by Section 1101 of the National Defense Authorization Act for Fiscal Years 1990 and 1991, was forwarded to the Secretary of Defense on December 31, 1990 by a special study group formed by the Secretary of Defense and was subsequently transmitted to Congress by the Secretary.

strategy, this study did not consider state or domestic mission requirements.⁵ Several Governors, however, expressed concerns that the Base Force Plan reductions would adversely affect their ability to provide for the welfare and security of their citizens during domestic disasters and emergencies.

The Bottom-Up Review Strategy

As mentioned earlier, following the change in administrations in 1993, Secretary of Defense Les Aspin initiated a comprehensive review of the nation's defense strategy and forces that encompassed modernization as well as infrastructure considerations. The purpose of this review was "to define the strategy, force structure, modernization programs, industrial base, and infrastructure, needed to meet new dangers and seize new opportunities."⁶ It identified four broad categories of dangers and opportunities:

- ***Dangers posed by nuclear weapons and other weapons of mass destruction***, including dangers associated with the proliferation of nuclear, biological, and chemical weapons as well as those associated with the large stocks of these weapons that remain in the former Soviet Union.
- ***Regional dangers***, posed primarily by the threat of large-scale aggression by major regional powers with interests antithetical to our own, but also by the potential for smaller, often internal, conflicts based on ethnic or religious animosities, state-sponsored terrorism, or subversion of friendly governments.
- ***Dangers to democracy and reform***, in the former Soviet Union, Eastern Europe, and elsewhere.
- ***Economic dangers*** to our national security, which could result if we fail to build a strong, competitive and growing economy.⁷

Although deterring and defeating major regional aggression is viewed as the most demanding requirement, the new strategy acknowledges that U.S. military forces will likely be employed in a broad range of operations other than war, including peace enforcement, peacekeeping, humanitarian relief, and other types of operations short of declared or intense war.⁸ It also provides for maintaining reserve component forces as a strategic hedge against the uncertainties of the future, and recognizes the hardships associated with reserve call-ups.⁹ "Our ultimate objective, of course, is to assure the availability of reserve component forces when needed, while ensuring that we do not over extend our call on our citizen soldiers."¹⁰

⁵This study was required by Section 402 of the National Defense Authorization Act for Fiscal Years 1992 and 1993.

⁶Aspin (1993), p. 1.

⁷*Ibid.*, p. 2.

⁸*Ibid.*, pp. 8-9.

⁹*Ibid.*, p. 94.

¹⁰*Ibid.*, p. 96.

In addition to placing increased reliance on a smaller, restructured reserve component force structure for the conduct of federal missions, the Bottom-Up Review acknowledged the need to maintain reserve component forces, particularly the National Guard, to support civil authorities in responding to domestic crises.

... the Army and Air National Guard will continue to serve as the first line of defense for domestic emergencies. They will provide forces to respond to natural disasters, domestic unrest, and other threats to domestic tranquility.¹¹

... Army National Guard and reserve forces are called upon to meet domestic dangers such as natural disasters and civil unrest. Substantial numbers of reserves must be available during both peacetime and wartime to support civil authorities in responding to domestic crises.¹²

Although the BUR represents a significant departure from the previous post-World War II strategy and approach to defense planning, it does not identify the specific reserve forces needed to perform these federal missions. Further, we acknowledge there has been criticism of the assumptions, analysis, and resources contained in the BUR which we did not attempt to resolve.

DOWNSIZING AND RESTRUCTURING THE ARMY NATIONAL GUARD

Highlights of the Plan

The Bottom-Up Review established an FY 1999 end strength of 575,000 for the Army Reserve components (the Army National Guard and the Army Reserve), about 25,000 more than that proposed by the Base Force Plan. It also outlined in broad form the major Army force elements required to implement the new strategy. These included an Army National Guard force of about thirty-seven combat brigades, including fifteen enhanced readiness brigades.

The 15 enhanced readiness Army National Guard brigades will be organized and resourced so that they can be mobilized, trained, and deployed more quickly to the fast-evolving regional conflicts that are anticipated in the future. These brigades will be able to reinforce active combat units in a crisis. The goal is to have these brigades ready to begin deployment in 90 days.¹³

The Bottom-Up Review also called for the other 22 brigade-sized Army Guard combat forces to be maintained at lower states of readiness. The rationale for these forces was: (1) to provide rotational forces for extended crises operations; (2) to share the burden of

¹¹*Ibid.*, p. 91.

¹²*Ibid.*, p. 94.

¹³*Ibid.*, p. 94.

conducting peace operations; (3) to provide a deterrent hedge that could serve as the foundation of an expanded force structure; and (4) to support domestic civil authorities in both peacetime and wartime.¹⁴

The details of the plan for restructuring the Army and its reserve components, called the "offsite agreement," were subsequently announced by the Secretary of Defense on December 10, 1993.¹⁵ When completed, the plan will essentially result in the virtual elimination of combat elements in the Army Reserve. Regarding the Army National Guard, this plan provided for the following:

- An Army National Guard force structure of 405,000 spaces and an authorized end strength of 367,000 personnel for Fiscal Year 1999.
- The retention of artillery, aviation, infantry, armor, special forces, combat engineer and combat support military police units that previously had been scheduled to be eliminated from the Guard.
- The transfer of some Army Guard force structure to the Army Reserve, primarily in the medical, logistics, and transportation areas.¹⁶

Comparing Fiscal Year 1999 to the Fiscal Year 1993 position, the current plan will result in a reduction of 22,000 force structure spaces (a five percent reduction) and an end strength reduction of almost 56,000 soldiers (a 13 percent reduction).¹⁷ Further, the difference between the Fiscal Year 1999 force structure allowance and end strength of about 38,000, coupled with the objective of maintaining high states of readiness in the enhanced readiness brigades, will result in some later-deploying units being manned at less than their authorized levels.

It is sound, both strategically and fiscally, to have force structure exceed end strength for later deploying units. There is a sunk cost in facilities and units. The trained leadership is very stable. As resources diminish and deployment times increase, costs are reduced by manning units at a lower level in accordance with defense guidance. When needed, the units can be expanded to meet wartime requirements. If a threat grows during peacetime, volunteers can be recruited to gradually fill out units as in the early 1980s. During mobilization, the force can be rapidly expanded by filling vacant positions with soldiers from the Individual Ready Reserve (IRR).¹⁸

¹⁴*Ibid.*

¹⁵General Binford Peay et al., "The Active/Reserve Offsite Agreement," *Army Magazine*, November, 1994, pp. 45-49.

¹⁶D'Araujo (1995), pp. 9-10.

¹⁷Force structure spaces are those recognized positions needed to support mobilization requirements; end strength is the number of personnel authorized by budget.

¹⁸*Ibid.*, pp. 20-21.

Despite the Army National Guard's desire to retain units, it has been forced by budget constraints to use a tiered readiness concept. Tiered readiness employs multiple levels of readiness with some units being fully staffed and equipped at high readiness and other units resourced at lower levels of personnel and equipment which results in lower readiness. The scope of the planned force structure and end strength reductions will also result in numerous unit inactivations.

Planning the Force Structure of the Future

The Army's future force structure, which details at the specific unit level the composition of type units and the mix of active and reserve units, is developed by the Total Army Analysis (TAA) process. The objective of the TAA process is to determine the total Army force to support the missions and objectives outlined by the Defense Guidance that are affordable within projected resources.¹⁹ The TAA uses the major war fighting elements, divisions, and brigades required in the National Military Strategy and determines the supporting units needed to sustain specified operations. The TAA uses analytic models and organizational designs of Army units to produce the initial force structure. The process incorporates internal Army doctrinal requirements and functional designs, such as engineering or medical structures, by type unit to provide all required capabilities. In subsequent phases of the TAA process, the Army staff, the major commands, and reserve components negotiate the allocation of the needed units to meet deployment timeliness, supportability considerations, and resource constraints.²⁰

The process relies heavily on computer-assisted simulations and takes about two years to complete. During this process a broad spectrum of considerations is addressed (e.g., projected readiness, mobility capability, responsiveness, demographics, and cost) in arriving at the recommended force structure and mix of Army forces to accomplish the National Military Strategy. The fundamental focus is on meeting federal mission needs—domestic mission requirements are not factored into this intensive process until the force structure and mix recommendations are solidified. Once the force structure and mix proposals are firmed up, Army National Guard leaders and planners then determine the planned distribution of Army Guard units among the states and territories. This final phase of planning is constrained by an objective to minimize turbulence and costs, plus a federal statute that requires that state Governors be notified of all unit inactivations.²¹

In developing the unit distribution scheme to support the Bottom-Up Review and the details of the plan announced by the Secretary of Defense, Army National Guard leaders and

¹⁹The Defense Guidance, previously known as the Defense Planning Guidance, highlights strategic objectives and National Military Strategy considerations and provides force structure, modernization, readiness, and resource guidance to the military departments, combatant commanders, and other DoD agencies and activities.

²⁰It should be noted here that this traditional way of doing business essentially involved the Army proposing recommended force structures to the Secretary of Defense. In developing the Base Force Plan and Bottom-Up-Review, the traditional way of operating was short circuited, although Army leaders were consulted and involved in the discussions.

²¹Based on discussions with representatives of the Army National Guard, October 1994, and on DoD (1990), p. 35.

planners considered state mission requirements. This task was exceedingly complex because of the need to consider demographic and supportability factors, and the difficulties inherent in identifying and trying to meet in whole or in part the diverse state mission needs of fifty-four different National Guard entities. Therefore, in arriving at a recommended distribution scheme, the planners first reduced the Fiscal Year 1994 force structure allowance of each state by five percent to arrive at the objective force structure level for Fiscal Year 1999. Specific type units eliminated in TAA were then identified as part of the pro rata reductions and new units required by TAA were used to balance state structure allowances. Macro-level planning tools were then used in an attempt to ensure that each state had some capabilities in command and control and what are known as the five core competencies: maintenance, medical, aviation, transportation, and engineering capabilities. While the state Adjutants General were consulted in this process, many of those whom we interviewed on the subject felt that their states received only marginal consideration in the process.²²

DOWNSIZING AND RESTRUCTURING THE AIR FORCE RESERVE COMPONENTS

The Bottom-Up Review was even less specific with regard to the mix and size of Air Force Reserve and the Air National Guard. Although it cites a general reduction in the number of reserve fighter wing equivalents from twelve to seven, the Review does not provide specific end strength figures or the division of these wings among the two Air Force Reserve components. Subsequently, a Fiscal Year 1999 end strength of about 113,500 was established for the Air National Guard. This represents a decrease of almost 6,000 personnel (a five percent reduction) from the Fiscal Year 1993 level of 119,300, the highest end strength authorized in more than a decade.

The missions identified for the Air National Guard include: assuming the air defense mission of the United States and, in conjunction with Air Force Reserve units, an increased share of aerial-refueling and airlift operations. Importantly, the Review also identified the need for the Air Guard to "undertake occasional short-duration fighter deployments overseas to help reduce personnel demands on the active Air Force and to meet surge requirements." In large measure, the Air National Guard reductions responding to the downsizing guidance unit were also pro rata but based upon reductions in Primary Aircraft Authorization (PAA)²³ within their squadrons, rather than force structure, or number of units at the state level.²⁴

The traditional Air Force process for developing its recommended force structure program essentially is a top-down process. The broad framework for this process is also based on the Defense Guidance and projected fiscal constraints.

²²Based on briefings and discussions with representatives of the Army National Guard, March–November 1994.

²³The PAA is used in the Air Force to determine the number of aircraft assigned to units for operational missions.

²⁴Based on briefings and discussions with representatives of the Air National Guard, October 1994.

Led by the Air Staff, the major air commands, the Air Force Reserve, and the Air National Guard participate in developing a recommended force structure for the future. Key factors considered during this process include availability, supportability, mission deployment capabilities, operational tempo requirements, and overseas-continental United States rotation ratios.

In developing a recommended force structure and distribution plan to support the Bottom-Up Review, Air National Guard leaders and planners sought to achieve several objectives. These included retaining flying units in each state, maintaining the capability to support a widespread surge capability, and developing and maintaining the maximum combat capability. They also sought to assure full resourcing for a smaller number of units to maintain high states of readiness, to minimize turbulence, and to reduce unit size before reducing the level of unit readiness as was the choice in the Army National Guard.

The Air National Guard end strength reductions stemming from the Bottom-Up Review were significantly less than those faced by the Army Guard. Thus, the Air Force and the Air National Guard were able to accommodate them and achieve their stated objectives by downsizing the number of PAA in units and by converting units from one aircraft configuration to another (e.g., an F-16 squadron to a C-130 squadron).²⁵

THE NATIONAL PICTURE: THE PROJECTED IMPACT ON THE STATES

The plan for reducing National Guard authorized end strength is highlighted in Figure 3.1. The projected Fiscal Year 1999 authorized end strength of 480,500, the number of personnel allowed for the Army and Air National Guard combined, is some 61,500 less than the Fiscal Year 1993 level. This equates to an overall reduction of eleven percent over the period 1993–1999 and a reduction of slightly more than fifteen percent over the period 1989–1999. The majority of this reduction is in the Army National Guard.

The distribution of these reductions among the various states will be somewhat uneven and dependent upon a variety of specific factors. These include the readiness objectives established for the National Guard units of each state and the desire to maintain units that provide certain broad core competencies at the state level. In the absence of exact state figures that combine future Army and Air National Guard end strengths, we estimate that the combined impact of the planned Fiscal Year 1994–1999 remaining end strength reductions on most states will be on the order of five to ten percent.²⁶

²⁵Based on discussions with representatives of the Air National Guard, October 1994, and Air National Guard, *Facts and Figures*, June 1994, p. 16.

²⁶While FY 1999 force structure plans, including end strengths, were provided by both the Army and Air National Guard, they may differ at the unit level and were caveated in each case as subject to some further revision. In the case of the Army National Guard, there were a number of undistributed structure spaces, CS and CSS, that had not been identified against specific units. Our estimates of individual state reductions agree with those of the NGB.

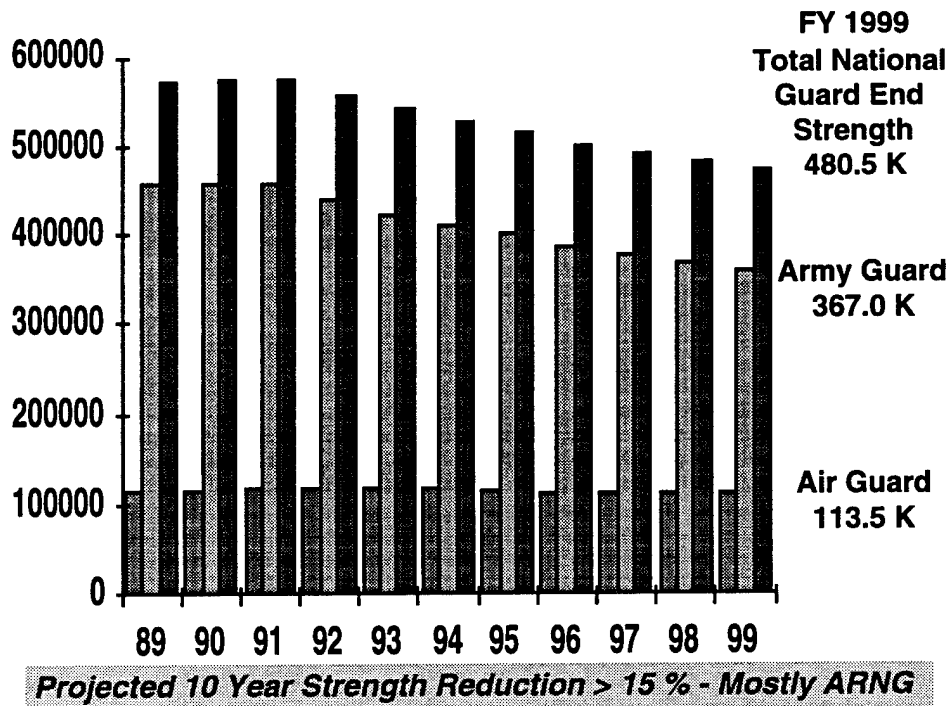


Figure 3.1—National Guard End Strength Plan²⁷

The projected Fiscal Year 1999 distribution of National Guard force structure, both Army and Air Force, among the states and territories is graphically highlighted in Figure 3.2. Differences between force structure and end strength is primarily due to Army National Guard plans to resource several units at 85 percent of their personnel structure as discussed earlier.

Although state mission requirements were addressed in a broad sense, the projected distribution of Guard units is primarily based on demographics and supportability considerations, and the desire to minimize turbulence. These considerations essentially result in a continuation of the current distribution pattern among the states.

In Fiscal Year 1999, eight states will have more than 15,000 force structure space authorizations and account for slightly more than thirty percent of the combined Army and Air National Guard authorizations. These states, which are highlighted in Table 3.1, have traditionally been able to support a viable National Guard structure and are projected to be able to continue to do so in the future. Alabama, for example, which is significantly smaller in population than California, has traditionally been able to sustain almost as large a Guard structure and is projected to be able to continue to do so.

²⁷Based on data and briefing materials provided by staff officers of the National Guard Bureau, October 1994.

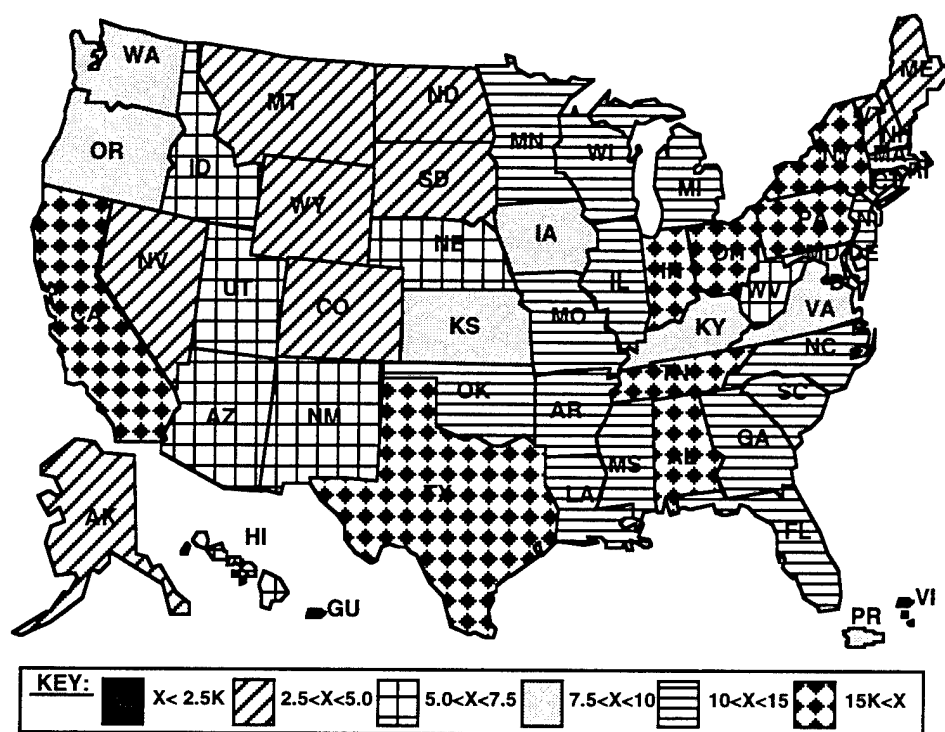


Figure 3.2—Projected FY 1999 Army and Air National Guard State Force Structure²⁸

Table 3.1

Fiscal Year 1999 National Guard Force Structure Allowance:
the Eight Largest States (Total Army and Air)²⁹

State	Force Structure Authorization (000s)
California	24.0
Pennsylvania	22.7
Texas	22.1
Alabama	21.0
New York	20.5
Tennessee	17.2
Ohio	16.8
Indiana	15.7
8-state total	160.0

²⁸Force structure data provided by staff planning officers of the Army and Air National Guard, National Guard Bureau, October-November 1994. The key shows the size range for state force structures "X".

²⁹*Ibid.*

At the other end of the spectrum, fifteen states and territories will have less than 5,000 authorizations, with Guam and the U.S. Virgin Islands having less than 1,000.³⁰ Demographic and supportability considerations were a major factor in these cases.

SUMMARY

The dramatically changed strategic environment, coupled with domestic fiscal constraints, led to the development of the Bottom-Up Review national defense strategy and a National Guard force structure for Fiscal Year 1999 that is intended to meet both federal and state mission needs. In determining where their respective units would be stationed in support of this new strategy, Army and Air National Guard leaders worked independently of each other and were heavily influenced by demographics and supportability considerations, as well as the desire to minimize turbulence and maintain traditions. To the extent possible, however, they both sought to consider the impact of proposed force structure reductions on the Guard's ability to accomplish its state mission requirements. In succeeding sections we explore the adequacy of this structure to perform both its federal and its state mission responsibilities.

³⁰*Ibid.*

4. FEDERAL MISSION DEMANDS IN PERSPECTIVE

This section discusses the demands of the various federal missions on the force structure of the National Guard, including the scope and character of federal missions as set out in the Bottom-Up Review (BUR) and their relevant impact on the determination of force structure. We then provide a discussion of the supply, the size, and the content of the FY 1999 structure of the National Guard, and discuss the planning considerations of how the future National Guard structure will respond to these federal missions, including the most demanding set of requirements. We examine the Army National Guard first and then the Air National Guard. We conclude with an assessment of the adequacy of the future FY 1999 National Guard force structure to accommodate these federal mission requirements by considering the measure of supply versus the demand.

FEDERAL MISSIONS AND FEDERAL ACTIVE DUTY STATUS

Federal missions encompass all the major tasks required to execute the National Military Strategy. These missions cover the full spectrum of conflict, the more diverse non-conflict tasks, and those peacetime overseas training, exercises and preparations to assure readiness for any potential conflict or war. As previously noted, members on the National Guard are in a federal active duty status at all times when they are performing federal missions.

As addressed more specifically by type of operation in the BUR, federal missions include the most demanding conflict involvement of two, nearly simultaneous, major regional conflicts (MRCs), the strategic nuclear capabilities to assure strategic deterrence and defense, the more specialized demands of peace and humanitarian operations, forward presence requirements, and finally, support for the domestic demands of disaster relief and emergency operations under federal control. Additionally, the BUR mentions the use of reserve component forces in a strategic reserve role as a hedge against uncertainty. Lastly, the BUR assigns an increased burden of the federal missions to the reserve components in general as a result of downsizing the total force.¹

Major Regional Conflicts

The central demand of the BUR and National Military Strategy (NMS) is founded on having and maintaining ready national military forces and capabilities to respond to two, near simultaneous, major regional conflicts.² The needs of these MRC scenarios provide the primary arguments for determining the defense force structure and strategic mobility capabilities.³ The principal joint capabilities of the military services, including both active

¹Aspin (1993), pp. 13-26.

²*Ibid.*, p. 19.

³*Ibid.*, p. 13.

and reserve components, exist to satisfy this key central demand, "the most stressing situation we may face."⁴

Although the details of the two illustrative MRC planning scenarios are classified, one is focused on operations in Southwest Asia, the Persian Gulf, and the other in Northeast Asia, Korea. Their unique regional requirements are used as planning tools to size the demands for a military structure and to establish a set of supporting capabilities that can respond to a broad range of potential regional threats.⁵ The combined demand of these two scenarios, happening in a nearly simultaneous manner, forms the principal basis for the requisite numbers and types of forces, mobilization, deployment and employment schedules, special capabilities, and the strategic mobility assets, or lift, to achieve the assigned regional military objectives. With some additional considerations for the special demands of forward presence, strategic nuclear defense and deterrence, and a strategic reserve, the two MRC scenarios are the primary determinant of the overall size of the defense establishment, its major force elements, the compositions of its capabilities, and the mix of its active and reserve units.

We will analyze in later sections the direct impact of the demands generated by these MRCs on the structure of the National Guard and evaluate the adequacy of the future FY 1999 structure to accommodate these demands.

Nuclear Forces for Deterrence and Defense

The BUR discussion of this important federal mission concludes with the needed size of the U.S. nuclear triad for the future, consisting of the submarine-based nuclear missile force, the land based intercontinental nuclear missile force, and the nuclear bomber force, which remain within the active components of the regular military services. Direct use of reserve component units for the strategic nuclear deterrence and defense mission was not proposed in the BUR. Thus, we conclude that this federal mission is not a basis for establishing demand on either the current or future National Guard force structure.⁶

Operations Other Than War: Humanitarian, Peace, and Other Intervention Operations

The BUR considers humanitarian relief, peacekeeping, peacemaking, and other intervention operations to be clearly secondary in importance to major regional conflicts and does not consider these operations as a basis for sizing the military force structure. The capabilities and units for these operations are provided from the menu of forces already established for regional conflicts. While increasing in frequency, these types of operations, which we call Operations Other Than War (OOTW), are referred to as "smaller-scale operations" and the forces employed in them are intended to be reallocated to meet the

⁴*Ibid.*, p. 29.

⁵*Ibid.*, pp. 13-14.

⁶*Ibid.*, pp. 25-26.

principal requirements of the two, nearly simultaneous, MRC scenario should the need arise.⁷

While the BUR provides a "prudent level of forces that should be planned" for these OOTW, it specifies only major force elements such as divisions, brigades, wings, carrier battle groups, Marine Expeditionary Brigades, and other type forces (e.g., Combat Support, Combat Service Support, and Special Operations Forces) but does not designate any of these to be reserve component elements.⁸ Since the BUR states that forces needed for OOTW would "be provided largely by the same collections of general purpose forces needed for MRCs," it seems to indicate that the majority of these forces would be from the active components.⁹ The BUR also states that the total of combat and support personnel envisioned for this prudent force level would be about 50,000. This small-sized force further suggests that the involvement of reserve components, and more specifically the National Guard, would be very limited in numbers of units and personnel.¹⁰ From the foregoing, it is our conclusion that the current strategy encompassed by the BUR for these OOTW missions is not a major determinant for force structure. While OOTW are clearly important, they place no added demand upon the National Guard for forces other than those already required by the MRC scenarios.

Forward Presence

Forward presence, as envisioned in the BUR, is a federal mission that establishes additional requirements for conventional forces. The BUR identifies and discusses each military service's contributions to forward presence in terms of purpose, size, composition, and regional location. The forces identified for forward presence are primarily existing active component units and appear to be largely additive to those forces required for the MRC scenarios. Although there is no discussion of National Guard forces, either Army or Air, being structured in response to forward presence requirements, it is important to note that during MRCs active elements may be redeployed from forward presence missions and that appropriate National Guard or other reserve units might backfill these active units. The BUR, however, provides no additional arguments for increased reserve force structure to perform these anticipated missions. In conclusion, we find no added demand for National Guard force structure to support forward presence tasks.¹¹

⁷*Ibid.*, pp. 27-28.

⁸*Ibid.*, pp. 22-23.

⁹*Ibid.*, p. 23.

¹⁰The recent example of the U.S. military operations in Haiti supports this contention. Reserve Civil Affairs personnel have been deployed, Army National Guard volunteers have back-filled in the United States for some deployed active military police units, and Air Reserve Component volunteers have assisted the airlift and supporting requirements. The National Guard comprises only a small portion of the total force used in this OOTW. Only Civil Affairs, SOF, CS, CSS, and airlift units from the reserve components, including the National Guard, appear to have high potential for frequent use in OOTW. While special training may be required for peacekeeping and peace enforcement missions, particularly for land combat units, other elements could be used based upon their training for MRCs.

¹¹*Ibid.*, pp. 23-24.

Military Support to Civil Authorities (MSCA)

This federal mission involves providing military capabilities to respond to emergencies and natural disasters and is closely parallel to those tasks performed in state missions. The two primary categories of MSCA are response to emergencies and natural disasters and support of law enforcement in response to civil disturbances and disregard for federal law. The BUR states that the National Guard should be the first line of defense in these domestic situations without specifying whether they will be under federal or state control.¹² This section discusses the potential demands of MSCA as a federal mission on the National Guard force structure.

Emergencies and Natural Disasters. At the federal level, the Federal Emergency Management Agency (FEMA) is responsible for responding to natural disasters and major emergencies, such as environmental contamination, once federal assistance is requested by the states and approved by the President. Under FEMA's Federal Response Plan, the Department of Defense is responsible for providing support as requested to each of the federal agencies designated as the lead agent for eleven of the plan's specified emergency support functions (ESFs) and, through the Army Corps of Engineers, is the lead agent for the Public Works and Engineering ESF. The Secretary of the Army has been appointed Executive Agent for DoD's domestic support responsibilities.¹³

While the states depend on the National Guard as their primary military support resource, DoD may activate National Guard units as federal militia in response to selected tasks such as law enforcement for use under federal control. Federalized National Guard units can be deployed within their state or to any other state in need. However, federalization of a state's National Guard is not a required action when federal military units are employed in the state responding to these activities.¹⁴ The active military is usually employed only where special capabilities are needed or when the magnitude of the emergency overwhelms a state's law enforcement resources.

Our review of the BUR and other DoD guidance reveals that National Guard forces and capabilities to perform this domestic mission are considered as incidental to the forces and capabilities provided for the MRC and the general strategic reserve missions. Hence, this domestic support mission does not generate any additional demand at the federal level for National Guard force structure, and we conclude that, at the national level, the proposed National Guard force structure, which is not constrained by state boundaries, is adequate for this federal mission.

Civil Disturbances and Disregard for Federal Law. The Attorney General of the United States is the lead agent for responding to civil disturbances and situations involving open disregard for federal laws. When tasked, the Department of Defense is responsible for providing military forces to supplement federal law enforcement agencies in restoring federal law and order. When called up by the President, the National Guard becomes an element of

¹²*Ibid.*, pp. 91.

¹³Department of the Army, "Domestic Support Operations," Field Manual 100-19, July 1993, p. 2-5.

¹⁴*Ibid.*, pp. 1-1-1-6, 5-1-5-3.

the Department of Defense for use in this mission. Use of federalized National Guard personnel usually occurs when the state believes it can no longer control the situation, requests federal intervention, and centralized control of all military forces involved is desirable to assure unity of effort. The National Guard in this instance performs as an augmentation to the active military and when performing this mission is not restricted to state boundaries. It is possible, for example, to federalize National Guard personnel in one state and employ them in another state. Although such use is not without historical precedent, this choice is not seen as the most desirable and may not be the most responsive choice given the total resources available within the federal military.¹⁵ This federal mission is considered by DoD as similar to the previous MSCA mission, disaster response, in that it provides no basis of additional demand for force structure within the federal military establishment, including the National Guard.

Strategic Reserves

The BUR also mentions the need to maintain a strategic reserve as a hedge against uncertainties. While the BUR does not give any basis for sizing the forces needed for this task, it states that these forces will be largely provided by the reserve components and will be maintained in the United States.¹⁶ We were unable to find any analytic basis for sizing forces needed for the strategic reserve mission.

ASSESSMENT OF NATIONAL GUARD ADEQUACY FOR THE FEDERAL MISSIONS

Having addressed the principal federal missions and identified which of these are the foundation of requirements for National Guard force structure, we now analyze the adequacy of the future FY 1999 National Guard structure to perform these missions. In the sections that follow we discuss the National Guard force structure which is the "supply" element of the "supply versus demand" equation at the federal level.

It is important to note here that the personnel, weapons, equipment, and facilities required to support missions performed by the National Guard are determined at the federal level on a unit or organizational level. These items are authorized and resourced on the basis of federal missions and their associated capability requirements. During our research, at both the federal and state levels, we collected information on the status of these items and their levels of fill. We frequently found and documented shortages at various units, but we found no evidence to suggest any variance from DoD reports provided to the Congress.¹⁷ Hence, we have focused our measures of adequacy on the force structure of the National Guard throughout this report.

¹⁵*Ibid.*, pp. 7-11-7-14.

¹⁶Aspin (1993), p. 28, 94.

¹⁷Examples of these annual reports are the Reserve Forces Policy Board (1993), and Department of Defense "National Guard and Reserve Equipment Report, Fiscal Year 1996," February 1995.

Overview of Major Force Elements

The BUR established the major force elements in each of the military services to provide capabilities for the two MRC scenarios and a strategic hedge against the possibility of any future unforeseen "larger-than-expected threat."¹⁸ Table 4.1 lists these major force elements for each service required by the BUR. It should be noted that, while the BUR remains the principal strategic basis for the national military establishment into the future, some aspects of these major force elements have been subsequently altered by the military services, in coordination with the Secretary of Defense, to achieve a balanced defense posture. We point out these differences in subsequent discussion where they are relevant to this study.

As noted in Section 3 and illustrated in Table 4.1, the BUR specified National Guard structures in only the broadest terms. In the case of the Army, fifteen National Guard enhanced readiness brigades and five or more reserve divisions, all in the National Guard, were the only major Army Reserve Component (ARC) units specifically identified by the BUR. Of these Army Guard units, only the fifteen enhanced readiness brigades were indicated to support the two, near simultaneous, MRC scenarios.

Table 4.1
Bottom-Up Review U.S. Force Structure in FY 1999¹⁹

Service	Major Force Elements-1999
Army	10 divisions (active) 5+ divisions (reserve) <u>or</u> 15 reserve enhanced readiness brigades
Navy	11 aircraft carriers (active) 1 aircraft carrier (reserve/training) 45-55 attack submarines 346 ships
Air Force	13 fighter wings (active) 7 fighter wings (reserve) Up to 184 bombers (B-52H, B-1, and B-2)
Marine Corps	3 Marine Expeditionary Forces 174,000 pers (active end strength)-5 bdes 42,000 pers (reserve end strenght)-1 div

¹⁸Department of the Army (July 1993), p. 19.

¹⁹*Ibid.*, p. 28.

Regarding the Air National Guard, the BUR was even less specific as it did not designate the allocation of the seven fighter wing equivalents within the ARC, Air Force Reserve and Air Force National Guard, and did not quantitatively address other contributions of the ARC. However, all seven reserve fighter wing equivalents were listed as part of the needs to support the two MRC strategy.²⁰ It should also be noted that all reserve airlift and refueling units, regardless of component, operate under the control of U.S. Transportation Command (USTRANSCOM) and are strategic mobility assets required to respond to the dual MRC scenarios. Airlift and refueling units form a sizable portion of the Air National Guard.

Thus, it appears that only about half of the Army National Guard structure was directly linked to requirements of the MRC scenarios, while a much larger portion of the Air National Guard was required by these plans. Next, we discuss the planned force structure responses of the Army and Air Force to the federal mission demands of the BUR as it applies to their National Guard components.

The Army National Guard

FY 1999 Force Structure Highlights. As stated in Section 3 and summarized here, the Army's 1993 Off-Site and Swap Agreements were the results of critical resource discussions and consensus-building among its three components.²¹ There were three key outcomes directly affecting the Army National Guard:

- First, the establishment of the FY 1999 force structure at 405,000 spaces with an end strength of 367,000 personnel assumes that the unmanned structure will be filled upon mobilization with members of the Individual Ready Reserve (IRR).
- Second, the swapping of some ARNG Combat Service Support units (e.g., Military Police Enemy Prisoner of War Guard units, Supply and Quartermaster units, and Medical units) for virtually all Army Reserve combat, special forces, and aviation units.
- Third, a major combat maneuver unit structure equivalent to 42 brigades, a larger number than the 37 discussed in the BUR. This results in an Army National Guard structure that has a higher combat-to-support ratio, but with an end strength reduction of about ten percent from FY 1994 to 1999.²²

Response Plan and Capabilities. The Army National Guard's planned FY 1999 force structure response to major federal mission demands, and particularly MRCs, is shown in Figure 4.1. Beginning at the lower left portion, the CS and CSS units at C-1 readiness²³

²⁰*Ibid.*, pp. 27-31.

²¹Peay (1994), pp. 45-49.

²²D'Araujo (1995), pp. 6-15.

²³The JCS Status of Readiness and Training System (SORTS) provides readiness ratings for units essentially as follows: C-1, ready to perform full wartime mission; C-2, ready to perform the bulk of wartime mission; C-3, ready to perform major portions of wartime mission; and C-4, requires major

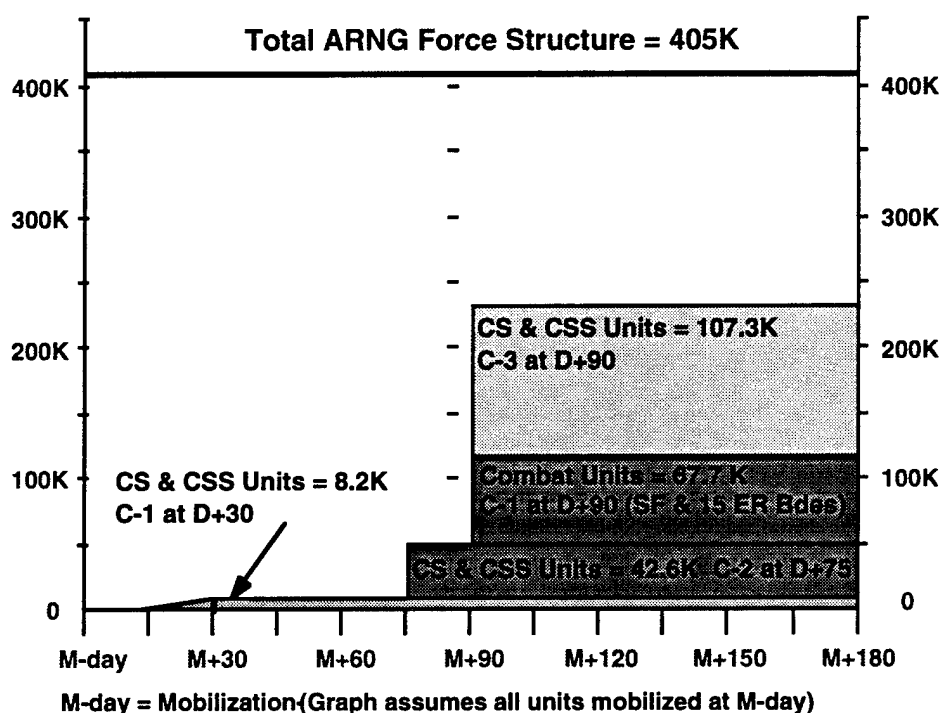


Figure 4.1—FY 1999 Army National Guard Response Plan for Two Simultaneous MRCs²⁴

and totaling about 8,200 personnel spaces form the early deploying Contingency Force Pool-I (CFP-I) elements in the future National Guard structure.²⁵ These CFP-I units would be available for deployment between 15 and 30 days after D-day or mobilization and could contribute units and capabilities in support of an initial MRC. Next, an additional 42,600 personnel spaces in CS and CSS units with a readiness level of C-2 become available for deployment at about 75 days after mobilization and constitute the CFP-II elements from the Army National Guard. It appears the timing of this CFP-II element is not dependent upon post-mobilization training requirements, since CS and CSS units usually require no more than 30-45 days of added training, but is more likely based upon the availability of strategic mobility assets and the timing of employment requirements of a second MRC scenario.²⁶

Figure 4.1 also shows that the first Army National Guard combat units, in the form of Enhanced Readiness Combat Maneuver Brigades and Special Forces units, have a deployment objective in a C-1 readiness status at about D+90 days after mobilization. While these combat units are, as yet, not assigned specific contingency missions, they may be used to augment, reinforce, replace, backfill, or rotate with active Army combat forces deployed in

resources prior to undertaking wartime mission. As used here, the ARNG plans specify resourcing of these various elements in peacetime at the readiness levels stated.

²⁴D'Araujo (1995), p. 21.

²⁵Peay (1994), p. 46.

²⁶D'Araujo (1995), pp. 21-23.

either forward presence locations or initial and second MRCs. The estimated post-mobilization training time goal of 90 days for National Guard combat units and their associated deployment times suggests that they will not be used in an initial MRC, unless it becomes a protracted campaign, but, if mobilized in a timely manner, would have a role in any subsequent MRC. Further, the BUR states that an important role for Army National Guard combat elements would be to "provide forces to supplement active divisions, should more ground combat power be needed to deter or fight a second MRC."²⁷

Next, Figure 4.1 shows that some 107,300 National Guard personnel spaces in CS and CSS units at a lesser readiness level of C-3 (C-2 in personnel) would become available for deployment at about D+90 days after mobilization.²⁸ Many of these units are the CS and CSS for National Guard combat units, both brigades and divisions. In all likelihood they would backfill active units in the United States or in forward presence theaters to assure continuity of operations, further augment or reinforce deployed MRC capabilities as required, subject to the availability of strategic mobility assets, and provide support needed for other National Guard combat units mobilized as strategic reserves.²⁹

In addition to those units covered above, the FY 1999 National Guard force structure will also contain eight combat divisions at the lower C-3 readiness level (objective is to have C-2 in personnel).³⁰ These units are assigned the mission of Strategic Reserve with the goal of being deployable at about D+1 year after mobilization. They provide a strategic hedge should unforeseen changes occur in the future threat.³¹ The lengthy mobilization period is required since these divisions will not be fully equipped or modernized and will be purposely undermanned (probably less than 85% strength). However, their capacity to perform in domestic missions such as MSCA is adequate without major augmentations or any lengthy training period after call-up since these missions require no specific military unit training but employ organized manpower and individual skills.³²

The distribution of major Army National Guard units in Fiscal Year 1999 is shown in Figure 4.2. It should be noted that states having an entire National Guard division, large portions of a division, and in many cases, a brigade will, in all likelihood, retain these major forces in any set of federal missions envisioned in the BUR, including two major regional conflicts.

²⁷Aspin (1993), p. 22.

²⁸We noted that Army mobilization guidance allows deployment of CS and CSS units in a C-3 status. Hence, the availability of these units does not seem constrained to a D+90 date. The personnel resources demanded by different readiness levels are based on the criteria in AR 220-1, "Unit Status Reporting," July 31, 1993.

²⁹D'Araujo (1993), pp. 21-23.

³⁰*Ibid.*, p. 23.

³¹Aspin (1993), p. 94.

³²Equipment, weapons, and personnel for National Guard units are solely based upon wartime tasks within the design capability of the unit. Domestic missions, federal and state, do not determine unit designs according to official staff positions of the Army and Air Force.

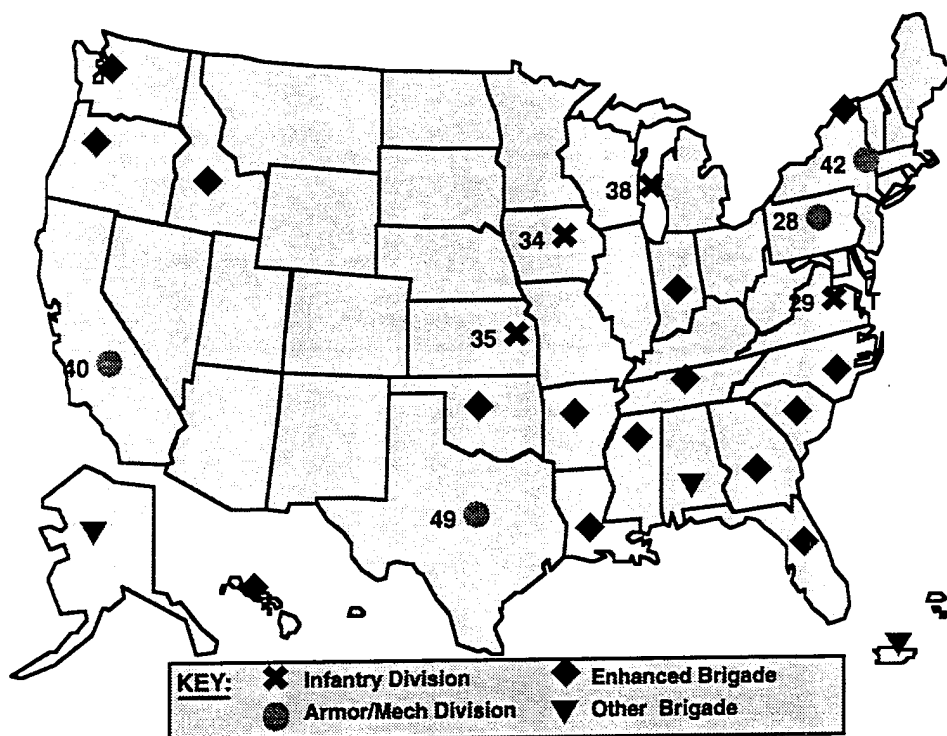


Figure 4.2—FY 1999 Distribution of Army National Guard Major Units³³

Lastly, the Army National Guard has some 31,000 spaces in non-deploying Table of Distribution and Allowances (TDA) units that remain in the United States even under mobilization.³⁴ These units form the infrastructure that supports mobilization and training of the Army National Guard. For example, each state has a State Area Command (STARC) which, once in federal service, executes mobilization missions that include the coordination and control of all military units that transit the state. Once mobilized, these TDA units can also assist in domestic missions such as MSCA under federal control.

In summary, even in the event of two nearly simultaneous MRCs, the Army National Guard will still retain a large portion, possibly as high as fifty percent, of its structure available to the states for use in meeting state and domestic requirements. This portion of the National Guard would consist of TDA units, the eight divisions and three brigades in strategic reserve, a large portion of the CS and CSS units at C-3 status, and those enhanced readiness brigades which were not needed for either MRC.

³³Data provided by Army National Guard, National Guard Bureau, October, 1994. Symbols for brigades are generally within a single state. Division symbols are in multiple states except for California, Pennsylvania, and Texas which are in a single state.

³⁴D'Araujo (1995), p. 21. TDA units are not designed for deployment tasks. They usually perform administrative and training functions and are equipped and provided personnel and facilities according to assigned tasks.

The Air National Guard

FY 1999 Force Structure Highlights. The Air Force resource decisions for their Future Years Defense Plan resulted in the Air National Guard with a FY 1999 force structure size of approximately 113,500 spaces and personnel end strength. Inactivations were made in some support units, while most major flying units were retained but with reduced strengths. The Air National Guard reduction strategy, called "debusting," retained most flying units but reduced their number of Primary Authorized Aircraft (PAA) which allowed for corresponding reductions in personnel and force structure spaces.³⁵ Wartime fighter squadron PAA has usually been about 24 aircraft. The "debusting" caused squadrons with a PAA of 24 to be reduced to 18, some with a PAA of 18 to be reduced to 15, and others to move sequentially from a PAA of 24 to 18 to 15. Recent interviews with the Director of the Air National Guard suggest that squadrons with a PAA of 12 aircraft are viable units and may be considered if further reductions in the ANG are required. Similar PAA reductions are scheduled for air refueling squadrons which will decrease aircraft from 20 to 19 or 18 in wings and from 10 to 9 or 8 aircraft in groups.³⁶

Once the reduction and "debusting" plan is completed, the Air National Guard will be composed of 24 Air Wings and 65 Air Groups of varying types.³⁷ Figure 4.3 illustrates the FY 1999 distribution of these major units. The Air National Guard is also expected to assume command of the 1st Air Force with all air defense asset responsibilities within the United States. Following the directions of the BUR, the Air National Guard has also received for the first time a B-1 Bomber Group and increased its portion of the airlift and air refueling elements in the total Air Force.³⁸ These changes in the ANG structure provide notable increases in their portions of total Air Force capabilities. For example, the Air National Guard will increase from about 40 percent to 42 percent of the total tactical airlift, about 35 percent to 43 percent of the total air refueling, and from zero to 9 percent of the total bomber aircraft. Additionally, the Air National Guard will retain the total Air Force capabilities in air defense fighter interceptor and reconnaissance aircraft.³⁹

Response Plan and Capabilities. The Air National Guard plans to continue to resource all of its units at a C-1 readiness level. During a mobilization scenario, all units are required to meet readiness criteria that allow them to be ready for deployment within a few days.⁴⁰ Actual deployment of units, or portions of units, is subject to the individual unit's

³⁵Briefings and data provided by air staff officers, Air National Guard Readiness Center, May 1994.

³⁶*Air Force Times*, "Squadrons may end up with 12 fighters," September 19, 1994, p. 23.

³⁷Air National Guard (June 1994), pp. 7, 9-12. ANG wings are organizations usually encompassing one or more groups or other units and commanded by a Brigadier General. Groups usually include one or more flying squadrons and associated support units and are commanded by Colonels. Flying squadrons usually consist of aircraft, crews, and operations personnel that are commanded by a Lieutenant Colonel.

³⁸*Ibid.*, pp. 7, 9-12.

³⁹*Ibid.*, p. 7.

⁴⁰The established standard for Air National Guard activation and preparation for deployment is 72 hours after receipt of orders. While the entire Air National Guard has never been mobilized at one time, there is no reason to expect that a total call-up would require very much more time since all units

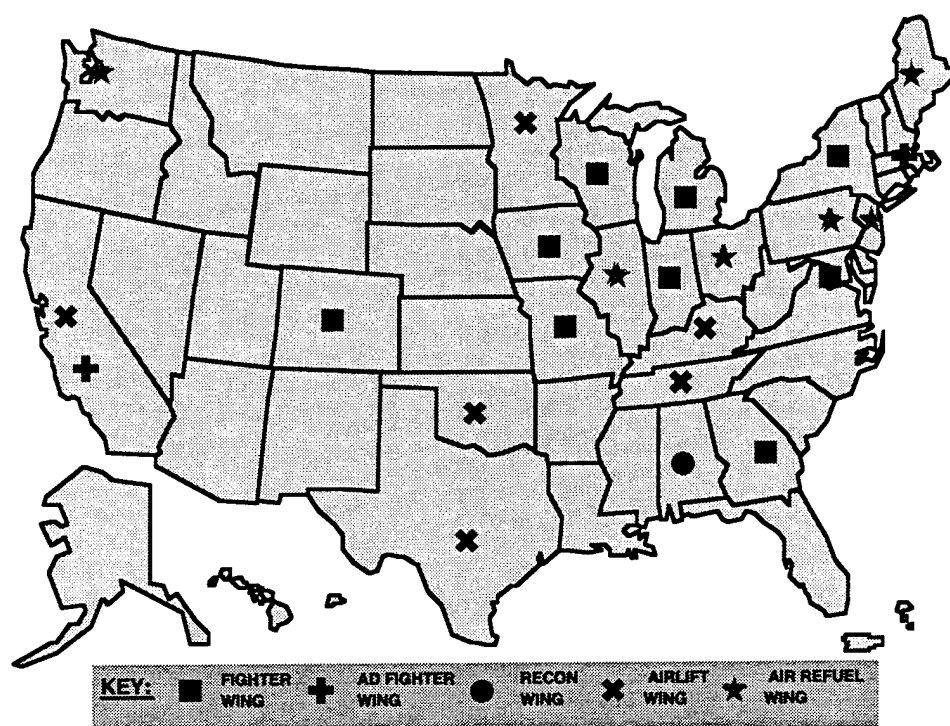


Figure 4.3—FY 1999 Distribution of Air National Guard Major Units⁴¹

self-deployment mobility capability and the availability of external strategic airlift assets. Operation Desert Shield/Storm and more recent peacetime operational experience have validated that units can meet a short deployment schedule.⁴² Figure 4.4 illustrates the overall future force structure and readiness potential for the Air National Guard in FY 1999. Considering the criticality of strategic mobility assets, it can be expected that nearly all Air National Guard lift and refueling groups would be called into service under contingency scenarios. Similarly, some of the fighter squadrons and possibly all the reconnaissance would likely be called. However, since some Air National Guard units are organized for defense of the United States, such as Air Defense Fighter Wings and Groups, and some other non-flying units may not be needed even in the demanding two MRC scenario, it is reasonable to expect that some portion of this force structure and personnel would remain available for state missions. This was also demonstrated during Operation Desert Shield/Storm.

are resourced and maintained at C-1 status in peacetime. This response time is covered in the Air National Guard Long Range Plans for both 1993 and 1994.

⁴¹Air National Guard (June 1994), pp. 25-26. The wing organizations shown here are for command control, and are distinct from the fighter wing equivalent planning factor.

⁴²DoD, Office of the Secretary of Defense, *Final Report to Congress: Conduct of the Persian Gulf War*, April, 1991, pp. 474-481.

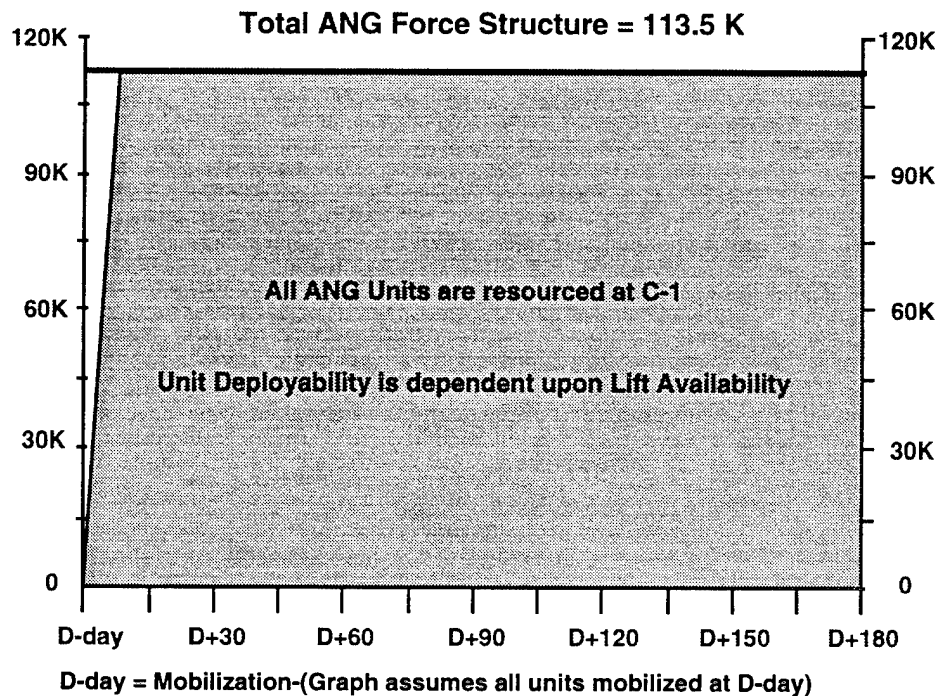


Figure 4.4—FY 1999 Potential Air National Guard Response to Two Simultaneous MRCs⁴³

SUMMARY OF NATIONAL GUARD ADEQUACY TO PERFORM FEDERAL MISSIONS

In summary, the planned future structure of the National Guard is not fully deployed in the most demanding of federal missions, two MRCs. The structure and capability demands derived from these scenarios for conflict contingencies are the principal basis for determining the size and content of the nation's military forces, including the National Guard. Significant portions of the National Guard exist to perform the less specific role of strategic reserve or as a strategic hedge against an unforeseen change in the threat. The Department of Defense stated in the BUR that the future plan provided sufficient forces, all components included, to fight and win two nearly simultaneous MRCs with some specified future capability enhancements from modernization and strategic lift.⁴⁴ We conclude from our review of these federal demands and analysis of existing military service plans that the FY 1999 structure of the National Guard is more than adequate to support the broad range of potential federal missions encompassed in the projected National Military Strategy. Further, in the most demanding set of these federal missions, large elements of the National Guard will remain available for use in the states. We next discuss the demands of state missions.

⁴³Briefings and data provided by air staff officers, National Guard Bureau, September-October, 1994. Note that ANG air defense units are included in the total unit structure but would not be expected to deploy. Hence, most air defense units, not on alert status, plus other unneeded ANG units would be available for continued use by the states.

⁴⁴Aspin (1993), pp. 19, 31.

5. STATE MISSION DEMANDS IN PERSPECTIVE

This section addresses the demands of the various state missions and types of duty status on the force structure of the National Guard. We begin by discussing the scope and character of these missions and their relevant demands on the structure of the National Guard at the respective state or comparable commonwealth, territory, or District of Columbia levels. We use the definitions for the two types of National Guard duty status applicable to state missions established in Section 2, namely: state active duty and federally funded non-federal duty. We then provide some force employment planning considerations and discuss major activities involving the National Guard in state missions that address both routine and peak demands of these missions. We conclude with an assessment of the future FY 1999 force structure of the National Guard to perform state missions.

STATE MISSIONS

The state missions of the National Guard encompass the full spectrum of tasks authorized in state law in support of the Governor of the state and in federal law in support of the Governor of a territory or commonwealth and the President of the United States in the District of Columbia. Many of these state missions are commonly summarized within the category of Military Support to Civil Authorities (MSCA) at the state level and include defense of the state or entity from disorder, rebellion, or invasion; emergency and disaster relief; humanitarian assistance; and within regulatory guidance, community support activities. Additionally, state missions include those performed while National Guard members are in a federally funded non-federal duty status. This second status includes annual drills, exercises, and training prescribed by the President of the United States under the provisions of Title 32, USC, and more recently, several federally funded domestic initiatives.¹

STATE ACTIVE DUTY STATUS

All state funded and controlled missions of the National Guard are performed in a state active duty status. States generally provide either small specific annual budgets, usually well under ten million dollars,² or general contingency funding, available only under emergency conditions, to pay for state active duty for members of their National Guard. In the past, much of the National Guard state active duty has been either funded from these state contingency funds or provided by special state legislation enacted to provide

¹Discussions with the Chief Counsel of the National Guard Bureau, October–November 1994, and Title 32, U.S. Code, Sections 502, 503, 504, and 505.

²California is one of the largest National Guard entities, about 24,000 strong; has a comparatively extraordinary history of using its National Guard; is one of the richest and most populous states; and is one of the regions having numerous emergencies and major natural disasters. California has provided between \$19 million to \$26 million annually over the past five years for the total funding of National Guard personnel, facilities, and operations supporting state missions. This is one of the largest state budgets for the National Guard.

appropriations in response to a specific emergency or natural disaster. Few state budgets provide sufficient funds for even a single state active duty day for each individual member of their state National Guard per year. Additionally, some states appear to rely heavily on federal reimbursement of state funds used to pay for state active duty during incidents of key emergencies and major natural disasters. These incidents must qualify through the Federal Emergency Management Agency and receive a Presidential declaration to obtain federal funding.

Although budget constraints clearly are a major consideration, our research established that the National Guards of the 54 entities are seldom employed on state active duty in large numbers for any lengthy period because the National Guard of the states is most often used as an augmentation to other state agencies that are designated as the primary responders to emergencies.³ Put another way, in general the National Guard of the states serves on state active duty primarily in the role of a supplementary force with broad capabilities that is used only when other state or local capabilities are exhausted or insufficient to respond to major emergencies.

A common perception of a routine state mission performed by the National Guard in a state active duty status has been as an augmentation of law enforcement agencies during civil disturbances. The National Guard as an instrument of the state, state law providing, may be employed directly in law enforcement activities or in support of existing law enforcement agencies. Our recent review of National Guard experiences in civil disturbances suggests these occurrences are infrequent and when employed, the National Guard has usually performed for only limited periods in security, movement control, and force presence tasks in conjunction with local or state police. Further, experience suggests that members of the National Guard performing law enforcement tasks usually do not participate directly in arrests, but they assist law enforcement officers who are the arresting officials.

As a point of information, Military Police units are often suggested for use in civil disturbances, but actual experience shows that any properly trained National Guard unit can conduct these tasks when appropriately equipped with helmets, shields, and protective vests.⁴ Special training and equipment for these tasks is provided for National Guard units

³Of the fifteen National Guard entities we visited, none suggested that their state could afford to support a protracted use of a major portion of their National Guard. While all fifteen of these entities had contingency plans for employment of their National Guards, most were restrained in their actual employment due to strict budget limitations. Where authorized, states use National Guard personnel during the course of federally funded non-federal duty and training to reduce the costs of state missions, particularly during emergencies and natural disasters (e.g., Hawaii National Guard in Operation Iniki). Survey data provided by the states for past usage of their National Guard support our observations.

⁴During Hurricane Andrew in Louisiana, state National Guard Field Artillery units, rather than Military Police units, were activated and stationed in New Orleans to provide forces to combat potential civil disturbances and augment local law enforcement agencies. Further, it should be noted that it is very common throughout the states to find National Guard Military Police are members of local, county, or state law enforcement agencies as their civilian employment. Since most states do not wish to remove these members from their law enforcement positions, state proclamations activating the National Guard for state active duty often exclude members that are in civil law enforcement and fire-fighting positions. Hence, use of National Guard Military Police in state civil disturbances may often be counterproductive to the objective. Lastly, as a general practice, many states do not allow their National Guard members to perform arrests but, due to the rules of evidence and custody, use civil law

designated for and assigned to civil disturbance tasks.⁵ However, experience data and interviews with several Adjutants General do not support structuring special units with civil disturbance capabilities or additional units of existing types, such as military police, to perform this specific state mission. In fact, most of the Adjutants General whom we interviewed preferred to use standard combat units, such as infantry, armor, or field artillery, in this role.

EMPLOYMENT CONCEPTS FOR STATE ACTIVE DUTY

Department of the Army manuals on domestic support operations, many state emergency response plans, and National Guard operations plans for Military Support to Civil Authorities (MSCA), for those states we visited, established some fundamental principles for the use of the National Guard in support of state missions.

First and foremost, the National Guard is a supplementary resource for use only after civil resources have been employed.⁶ Military support to civil authorities within and among the states for disasters and other emergencies usually follows the philosophy of "unmet needs," which employs National Guard augmentation only under the conditions where the responsible civil agency has insufficient resources to address requirements.⁷ Most states follow some version of this philosophy, expecting local authorities and resources to be first responders to a disaster in their area. When local resources are insufficient, resources from that level of administration above town, village, or city (usually county or parish) are applied and followed by state level resources when needed. If state resources within civil agencies are insufficient, the National Guard is called for additional support. Further, most National Guard domestic plans call for the release of committed personnel and equipment at the earliest possible time to resume their military training and mission responsibilities.

Once the National Guard has been employed on state active duty to perform MSCA tasks, the majority of Adjutants General plan for relief and rotation of their members usually within seven days of activation.⁸ This rotation method is driven primarily by concerns for potential hardships to members, their families, and their employers and ultimately, for future retention of members of the National Guard. The drawback is that, in long duration activities involving the National Guard, rotation requires the call-up of a larger number of

officers for this purpose. Hence, members of the National Guard are usually restricted to providing support for law enforcement during these operations.

⁵There are two Civil Disturbance Equipment (CDE) storage sites to support the National Guard in these missions. These equipment storage sites are regionally located near C-130 transport airfields in low-threat areas; the one for the eastern states, at Indiantown Gap, Pennsylvania, and the other for the western states, Guernsey, Wyoming. The sites provide stockage of common CDE items such as helmets with faceguards, protective body armor, weapon lock plates, and rations in the form of ready to eat meals that can be drawn and distributed on short notice to support units trained and employed in civil disturbances.

⁶Adjutants General responses to a RAND questionnaire suggest that about 85 percent believe that their National Guard is a supplemental state resource for use in emergencies and disasters.

⁷Department of the Army (July 1993), p. 1-4.

⁸Adjutants General responses to a RAND questionnaire suggest that more than 87 percent would plan to rotate their members called up for state active duty for emergencies or disasters that exceed seven days duration.

National Guard personnel. The existence and preference for rotation plans does not preclude the use of large portions of a state's National Guard for short periods or extending the period of rotations to 14 days or more when responding to various requirements. In civil disturbances, it is likely that large numbers of National Guard personnel will be needed for short-duration duty, while in extended operations, such as seen during the recent Midwest floods, longer periods of rotations may be more appropriate.

Finally, the cost of pay for National Guard state active duty is a further consideration. As discussed earlier, few states have significant funds to support either large-scale employments even for short durations or long-term employments of sizable numbers of National Guard personnel using rotation. While cost is seldom a major consideration that constrains immediate response activities, most state operations officers we interviewed related that cost was a key consideration for operations of more than a few days duration.

STATE ACTIVE DUTY IN PERSPECTIVE

Figure 5.1 illustrates, from a national perspective, the quantitative history of recent National Guard involvement in state active duty. Fiscal Year 1993 was the highest level of state active duty recorded in over a decade. The total state active duty for all fifty-four entities of the National Guard was just over 460,000 duty days and involved over 34,000 members of the Army and Air Force components.⁹ The majority of these duty days were spent on various tasks in support of disaster relief. During the same period, National Guard strength averaged about 540,000 personnel, which places the annual involvement in state active duty at about six percent of the total strength.¹⁰ While the tasks performed by the National Guard in a state active duty status are clearly significant and important contributions, it also seems clear from historical experience and our research that National Guard state active duty has not been a basis for determining the size of the required National Guard force structure. Subsequent sections will provide some elaboration on the character of the tasks that the National Guard has performed in recent key emergencies and major disasters.

Military Support to Civil Authorities: Emergencies and Natural Disasters

Our review of recent state emergencies and natural disasters over the last five to seven years shows an increase in such occurrences with a corresponding increase in use of the National Guard. Hurricanes Andrew and Iniki, the Midwest floods of 1993, and the Los Angeles riots are recent examples where National Guard military support to civilian authorities provided many necessary emergency capabilities. In subsequent discussion, we provide some quantitative and qualitative aspects of National Guard support to civil authorities during these events. These incidents illustrate how catastrophic state

⁹Reserve Forces Policy Board, *Reserve Component Programs Fiscal Year 1993*, January 1994, p. 45.

¹⁰*Ibid.*, p. 57.

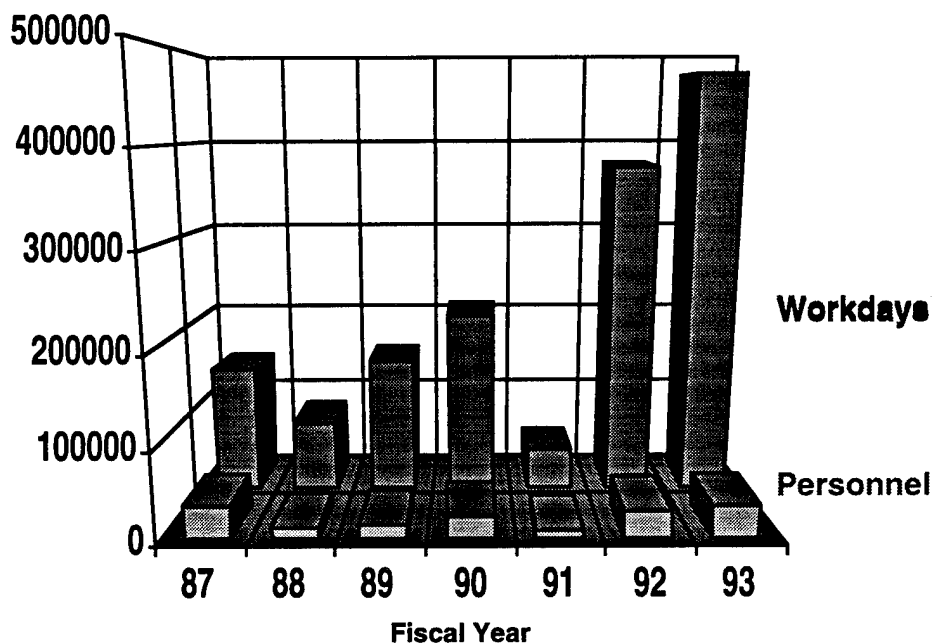


Figure 5.1—Summary of National Guard State Active Duty¹¹

emergencies and disasters can create major demands that exceed the capacity and capabilities of individual states and, infrequently, their respective National Guards.

Hurricane Andrew: Florida and Louisiana National Guards. Hurricane Andrew made first landfall near Homestead, Florida, on August 24, 1992, and subsequently came ashore near Morgan City, Louisiana, on August 26th. Hurricane Andrew, with a sustained wind force of 141 knots and gusts up to 160 knots,¹² was the most costly storm ever to strike the United States, with over \$20 billion in property damage.¹³ In both Florida and Louisiana, the National Guard was called to play a major role in disaster relief.

In Florida, Hurricane Andrew damaged some 1,100 square miles of the state; left 26 dead, thousands injured, and some 180,000 people homeless; and destroyed or damaged over 135,000 homes and 82,000 businesses.¹⁴ In anticipation of the potential danger of the approaching hurricane, the Governor activated some 1,500 members of the Florida National Guard on August 23, 1992. Subsequently, the Governor issued an Executive Order providing the Adjutant General authority to call to state active duty those members of the National

¹¹Data and reports provided by the National Guard Bureau including the Army and Air National Guard Directorates and Readiness Centers, June, 1994.

¹²FEMA, Federal Insurance Administration, *Building Performance: Hurricane Andrew in Florida*, December 21, 1992, p. 5.

¹³Department of the Army, Director of Military Support, *Report to the Secretary of the Army: Hurricane Andrew, Typhoon Omar, Hurricane Iniki After Action Report*, February 1993, p. 1.

¹⁴Florida National Guard, Office of the Adjutant General, *After Action Report: Operation Andrew, 23 August-13 November 1992*, pp. 1-2.

Guard necessary to respond to the needs of civil authorities. Once the storm made landfall and moved beyond the state, units and members of the Florida National Guard were activated, sent to the areas hit by Andrew, and performed emergency disaster relief operations including medical treatment, rescue and evacuation, damage assessment, distribution of food and water, provision of temporary shelter, debris removal, ground and air transportation, traffic control, and area security for property. The full scope of the catastrophic devastation and immediate response needs were soon recognized to be beyond the capacity of state resources, including the state National Guard, and a Presidential declaration of a major disaster, under the provisions of the Stafford Act,¹⁵ initiated a federal response effort of major proportions in Florida.¹⁶

The Florida National Guard employed 63 percent of their Army and 40 percent of their Air units to support the response and recovery tasks associated with Operation Andrew.¹⁷ As shown in Figure 5.2, the Florida National Guard was on state active duty in Operation Andrew for over eighty days, with a peak personnel commitment of some 6,200 out of a total strength of about 13,500, or about forty-six percent, and a total effort of over 243,000 workdays.¹⁸ For eight consecutive days beginning on August 28, 1992, over 6,000 members of the Florida National Guard were on state active duty to assist in Operation Andrew.¹⁹ Considering the fact that personnel were rotated during the length of Operation Andrew, a majority of the Florida National Guard participated in the associated response and recovery tasks.

Figure 5.2 also shows this effort in comparison to recent prior and subsequent years of experience where the Florida National Guard had little or no significant use of its members on state active duty. Once federal military forces arrived in strength and assumed responsibility for humanitarian assistance and disaster relief tasks, the Florida National Guard was focused almost exclusively on security operations in support of state and local law enforcement agencies. This "on the street" security mission was complicated in execution due to a shortage of special equipment and the limited numbers of properly trained civil disturbance units.²⁰ In total, Florida spent almost \$29 million, above those other costs reimbursed by FEMA, on the tasks performed by the state National Guard while on state active duty as part of Operation Andrew.²¹

¹⁵The Stafford Act is that portion of Title 42, USC, that provides federal assistance to state and local governments for disaster relief and emergency assistance. The Act gives the President the authority to use all federal agencies.

¹⁶DoD, Forces Command, *Hurricane Andrew Response: After Action Report*, 20 November 1992, p. 3.

¹⁷Florida National Guard, p. 2.

¹⁸*Ibid.*, Enclosure 1.

¹⁹*Ibid.*

²⁰*Ibid.*, Enclosure 2. It should also be noted that even some Military Police units of the Florida National Guard were not properly trained or designated for "on the street" use.

²¹*Ibid.*, pp. 8-9.

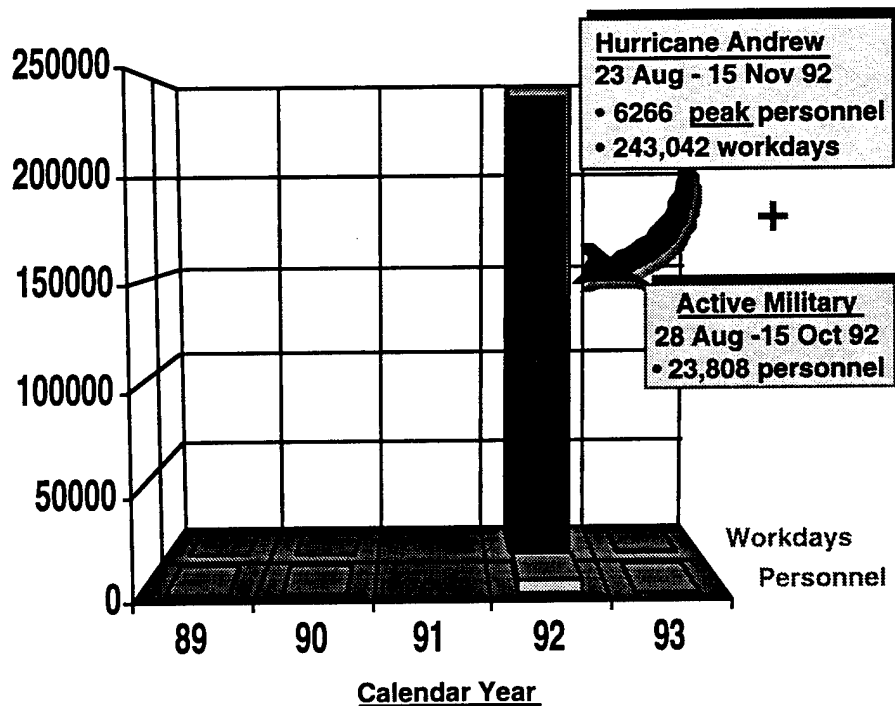


Figure 5.2—Florida National Guard State Active Duty Experience²²

In addition to the state National Guard, there were some other military assets in Florida not under state control, with the potential for use in the critical response and recovery tasks resulting from Hurricane Andrew. Due to the character of their capabilities and proximity to Dade County, these assets would have been able to respond quickly during the response phase but were restricted from participation by federal law, even after the Presidential declaration authorizing federal assistance. These were Army Reserve units, in particular an Engineer Battalion, that were closer to the damaged areas than Florida National Guard engineer units.²³ Federal law restricts the use of the federal reserves in domestic emergencies.²⁴ As a result, personnel and key capabilities that were locally stationed were of no significant use in responding to the Andrew disaster, other than some volunteer assistance efforts. Comparable federal unit capabilities were moved from Ft. Bragg, North Carolina, to Florida when the active military began deployment, but these assets arrived over a week after the storm had caused its damage and consequently delayed the execution of many response tasks.²⁵

²²*Ibid.*, Enclosure 1 and MSCA data provided by the Office of the Adjutant General of the State of Florida.

²³Data received from the Office of the Adjutant General, Florida National Guard, May, 1994.

²⁴Title 10, U.S. Code, Section 673b.

²⁵Florida National Guard, Enclosure 2. Note: This anecdotal issue of availability and use of other federal reserves in domestic emergencies will be discussed in a later section as a potential policy option for providing other resources to assist the states in these situations.

In spite of the major state efforts, it is obvious from inspections, assessments of the widespread damage, and the scale of federal assistance provided, which included almost 24,000 active military personnel alone, many of whom were deployed for six weeks or more, that the response and recovery operations required from Hurricane Andrew were well beyond Florida's state capabilities.²⁶ This state capability shortfall could not be fully addressed by increasing, or even doubling, the structure or unit capabilities of the Florida National Guard. Many needs were not appropriate for the use of military capabilities, especially those needs associated with mitigation.²⁷ While it does not appear that the Florida National Guard exhausted its resources, it was severely taxed by the tasks resulting from Hurricane Andrew, and the early introduction and lengthy employment of large numbers of federal military allowed for conservation of Florida National Guard resources. Such a major disaster requires access to the federal funds for mitigation, and the much greater pool of resources and capabilities available within and through the federal government.

Louisiana had much less demanding response and recovery operations because Hurricane Andrew hit a much less populated area and headed inland where the force of its winds were rapidly dissipated. Nevertheless, the Louisiana National Guard was called to respond with assistance in anticipation of needed preparations and for the likely devastation from the storm. Evacuation of people from threatened areas, relocations of essential equipment such as generators, and area security were the initial missions conducted by the National Guard prior to Andrew's landfall in Louisiana.²⁸ After the storm abated, the National Guard received taskings through the Louisiana Office of Emergency Preparedness and provided temporary shelter, damage assessments, food and water distribution, air and ground transportation, engineering support including temporary power from generators and debris removal, crowd control at distribution centers, traffic control, and continued security of property.²⁹ The integrated capabilities of both Army and Air elements of the Louisiana National Guard were able to provide the necessary personnel and capabilities to augment many needs of Louisiana state agencies in both the response and recovery phases for Hurricane Andrew. While affected areas of Louisiana were included in the Hurricane Andrew Presidential declaration of a major disaster and received concomitant federal assistance under the direction of FEMA, federal military units were not required to be deployed in Louisiana to assist this disaster recovery effort.³⁰

Some 4,000 members of the Louisiana Army and Air National Guard were activated on state active duty for varying durations over a period of more than sixty-five days. We found that personnel and unit rotation plans were used in Louisiana during the Andrew response and recovery operations. These plans, also commonly used in other states, usually rotated

²⁶DoD (November 1992), pp. 3-4, and Florida National Guard, Enclosure 2.

²⁷Mitigation is the term used for federal hazard assistance, often in the form of loans or loan guarantees, offered to disaster victims to support reconstruction or repair of damaged homes, businesses, or property.

²⁸Louisiana National Guard, Office of the Adjutant General, *After Action Report: Hurricane Andrew*, 8 December 1992, pp. 1-3.

²⁹*Ibid.*, pp. 2-3.

³⁰DoD (November 1992), p. 3.

sub-units of personnel within a major unit after about seven days of state active duty, up to a maximum of fourteen days, to avoid or minimize hardships to members of the National Guard, their families, and employers.³¹ Rotation of personnel resulted in the activation and use of more National Guard members but for shorter durations. The peak involvement during the period was just under 1,900 personnel or less than fifteen percent of the total available National Guard strength of about 13,400. The Louisiana National Guard employed members for over 31,000 workdays of state active duty at a total cost of just over \$3 million in response to the taskings resulting from Hurricane Andrew.³² The use of the Louisiana National Guard on state active duty during Operation Andrew was clearly an exceptional event as illustrated in Figure 5.3. About ninety-eight percent of the state active duty time in calendar year 1992 was expended on response and recovery operations from Hurricane Andrew and dwarfs the total effort within the remainder of their recent 1989-1993 state active duty experience.

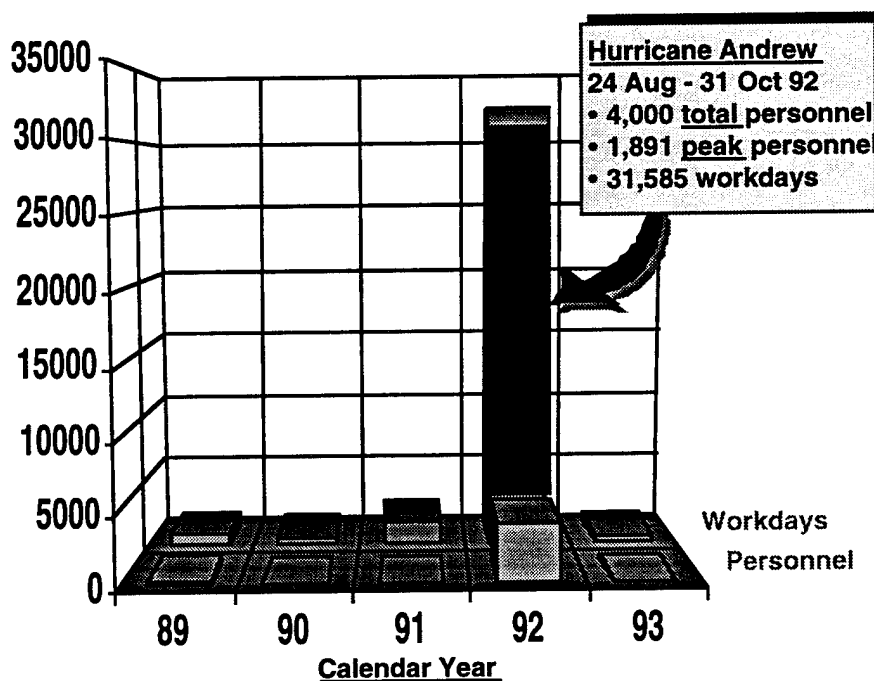


Figure 5.3—Louisiana National Guard State Active Duty Experience³³

³¹Information from the Adjutant General's Office, Louisiana National Guard, April, 1994.

³²Louisiana National Guard (1994), p. 4.

³³Louisiana National Guard, Office of the Adjutant General, *Hurricane Andrew Briefing*, 20-21 March 1993, and data from the Adjutant General's Office, Louisiana National Guard, April 1994.

Louisiana's participation in Operation Andrew was decisive, well coordinated, and well executed. The integration of state and federal response and recovery activities by the state emergency preparedness office, under the direction of the State Adjutant General, demonstrated a well planned and exercised system that effectively used the National Guard in support of local, parish, state, and federal agencies. Our analysis of the Louisiana portion of Operation Andrew suggests that beyond access to federal funding, especially for mitigation, the principal federal emergency assistance activities were focused on interstate transportation, accession of special capabilities, coordination of recovery efforts, and emergency provisioning of food and other general supplies. Federal assistance through FEMA was obviously required in these several areas but did not include any support for military unique requirements. However, it appears that the full resources of the state, in particular the Louisiana National Guard, were not exhausted nor severely taxed by these hurricane response and recovery tasks. Specifically, only about thirty percent of the total Louisiana National Guard were involved in a direct way over the entire response period, and even fewer were employed at any one time due to personnel rotation.³⁴

Hurricane Iniki: Hawaii National Guard. On September 8, 1992, Tropical Depression 18E was upgraded to a hurricane and designated Hurricane Iniki. On September 10, 1992, Hurricane Iniki was reported to have turned to a northwest course that threatened the Hawaiian Islands. The Director of the Hawaii State Civil Defense, also the Adjutant General of the Hawaiian National Guard, and elements of both his staffs had closely monitored this major threat and initiated plans to respond to the impending catastrophe. On September 11, 1992, Hurricane Iniki made landfall on the island of Kauai with sustained winds of 145 miles per hour and gusts up to 227 miles per hour that caused more than \$1.6 billion in damage and affected more than seventy percent of the island.³⁵ The Governor of Hawaii declared a major disaster, authorized additional use of the National Guard and requested federal assistance. On September 12, the President declared Kauai and Oahu federal disaster areas and authorized federal assistance under provisions of the Stafford Act. FEMA, with military support from U.S. Pacific Command under the direction of the Commander, U.S. Army Pacific, as the Defense Coordinating Authority, initiated federal relief activities.³⁶

Operation Iniki, the response and recovery activities on the islands of Kauai and Oahu, were much more complex and demanding than those in Florida for Operation Andrew. This was due to the isolated nature of the damaged islands, which have very limited access under normal conditions, the severe damage to the main airfield on Kauai at Lihue, which further restricted accessibility, and the long distances from many FEMA primary responding agencies located in the continental United States.³⁷ The devastation on Kauai included

³⁴Information from the Louisiana National Guard, November 1994.

³⁵Hawaii National Guard, Office of the Adjutant General, *Operation Iniki Response: After Action Report*, n.d., pp. 1-3, and Enclosure 1, pp. 1-3.

³⁶U.S. Army Pacific, Public Affairs Office, *The Story of JTF Hawaii, 11 September Through 6 October 1992*, p. 6. Note that the Stafford Act is Public Law 93-288.

³⁷*Ibid.*, pp. 3-4.

more than 14,000 homes damaged, 5,000 other structures severely battered or destroyed, the electrical grid and telephone system completely destroyed, loss of all normal Kauai inter-island communications, some 7,000 people homeless and without shelter, and over 10,000 tourists in addition to the normal Kauai population of about 50,000 people without access to food or water.³⁸ The State of Hawaii was the lead disaster agency and coordinated the joint federal and state assistance efforts. The National Guard was activated on a state mission basis as a major relief assistance provider and coordinator, using members in state active duty, and where possible, in federally funded non-federal training and duty status.

Early on September 12, 1992, the Hawaii National Guard activated and deployed personnel from the big island of Hawaii to Kauai, the place of the most significant Iniki destruction, to link up with members already on that island and activated other personnel on Oahu. The National Guard began damage assessments, established communications, provided security and coordinated air transportation used for both evacuation and delivery of personnel, supplies, and equipment. Subsequently, as more National Guard personnel and capabilities became available, they provided support for search and rescue, distributed food and water, expanded air and ground transportation, and organized logistical support operations.

On the following day, federal military forces began to arrive and established their Joint Task Force headquarters, which controlled their assistance to the federal, state, nongovernmental and county agencies involved in Operation Iniki. The active military capabilities considerably expanded the supply operations to Kauai through both maritime and aerial means, bringing major medical, engineering, communications, logistics, water, power, and construction units and equipment. The combined federal and state efforts were quickly implemented, well coordinated, and responsive to the county of Kauai's needs.³⁹

The key measures of the military involvement in Operation Iniki are summarized in Figure 5.4, which also shows the extraordinary nature of the use of the Hawaii National Guard in a state active duty status. While the Hawaii National Guard expended over 42,000 workdays in a state active duty status for Operation Iniki, it should also be noted that over 28,000 additional workdays were directly expended by the National Guard in a federally funded non-federal duty and training status. This latter quantity was made up of some 24,500 Hawaii National Guard federally funded non-federal duty workdays and almost 3,700 federally funded non-federal duty workdays provided voluntarily by National Guard members from other states. This included the use of AGRs, Military Technicians, and National Guard members during their drills and annual training periods. The duration of Hawaii National Guard involvement was just under sixty days, including a period of sixteen consecutive days with more than 2,000 Guard members on duty and a peak daily strength of just over 3,000 members in various duty statuses. Also shown in Figure 5.4, the peak number of personnel on state active duty for the Hawaii National Guard was just under 2,200 members and the peak number deployed to Kauai reached almost 1,600 members.

³⁸Hawaii National Guard, Enclosure 1, pp. 1-3.

³⁹Hawaii National Guard, Enclosure 1, pp., 2-5, and U.S. Army Pacific, pp. 4-7.

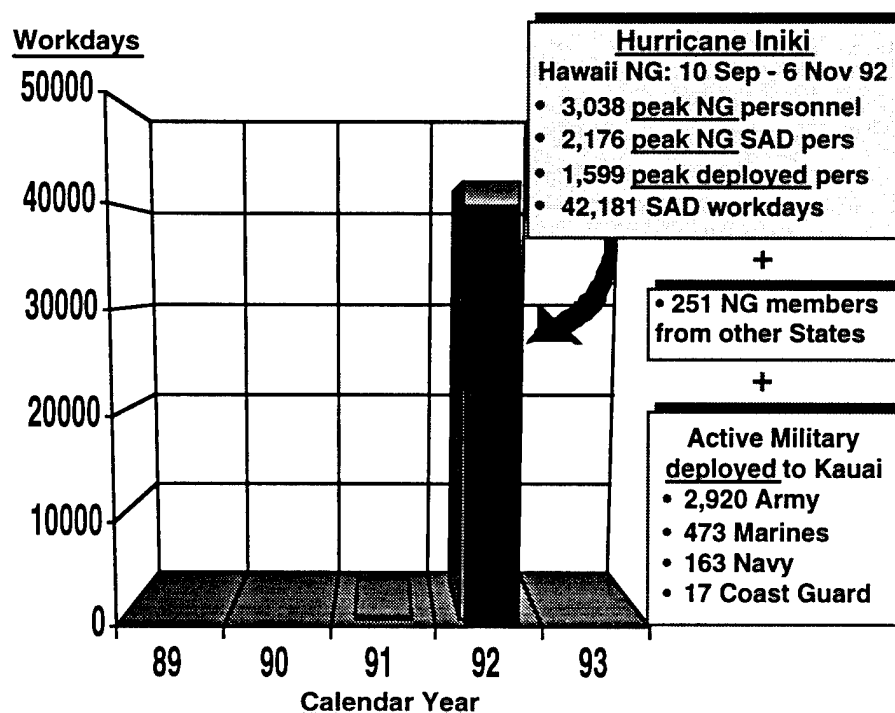


Figure 5.4—Hawaii National Guard State Active Duty Experience⁴⁰

This was a major Hawaii National Guard state mission employment effort involving over sixty percent of their total strength of about 5,700 and with no comparable use of state military forces on state active duty in almost a decade.⁴¹

Hawaii also received massive federal assistance as part of Operation Iniki. Figure 5.4 shows a breakdown by service of active military employed on Kauai early in the response operation.⁴² As one partial measure of the significant federal contributions, on September 26, 1992, the federal military reached a peak of some 4,400 personnel from all services deployed on Kauai while employing even larger numbers elsewhere in and around the state.⁴³ Having viewed the island of Kauai some 21 months after Hurricane Iniki's devastation and conducted extensive research on the subsequent operations responding to this incident, it seems clear to us that the capabilities of the state of Hawaii, while considerable, were not adequate alone to provide the timely response and recovery activities required. Major catastrophes such as Hurricane Iniki have demonstrated the potential to exceed state owned and controlled resources, and the federal response system has been designed by FEMA to respond with assistance when state capacity is overwhelmed. The state National Guard provided many personnel and several key capabilities, and while it was

⁴⁰Hawaii National Guard, Enclosure 3, and U.S. Army Pacific, pp. 4-5.

⁴¹*Ibid.*, p. 1 and Enclosures 1 and 3, and Edward V. Richardson, Adjutant General, Hawaii National Guard, *Department of Defense: Annual Report Fiscal Year 1992*, p. 33.

⁴²U.S. Army Pacific, p. 4.

⁴³Hawaii National Guard, Enclosure 3.

not overwhelmed it was severely taxed by Operation Iniki. However, even if the Hawaii National Guard force were doubled in size, which is not sustainable within existing state demographics, federal assistance, particularly the active military, would still have been needed to address the relief tasks of Operation Iniki.

Midwest Floods: Iowa, Illinois, Kansas, Missouri, and Wisconsin National Guards. The heavy winter snowfalls and subsequent heavy spring and summer rainfall in the Midwest provided the extraordinary conditions for regional flooding usually seen but once in a century. The so-called "Midwest floods of 1993" were unlike many other natural disasters in that, to a large degree, they were of much longer duration, affected much larger areas, and appeared more predictable in their timing if not also in their effects.⁴⁴ Over 17 million acres in nine states were flooded in this record period.⁴⁵ In the end, portions of nine midwestern states were included in Presidential declarations of major disasters and made eligible for federal assistance during this period. These declarations began with portions of Minnesota on June 11, 1993 and were followed by areas covered by the spreading flood into Wisconsin, Missouri, Iowa, Illinois, South Dakota, Nebraska, Kansas, and North Dakota through July 26, 1993. Damage estimates accumulated by FEMA that qualified under the Stafford Act amounted to \$1.1 billion and supplemental federal funding of \$5 billion was provided for agencies supporting the response and recovery activities in the flooded area.⁴⁶

Five of these nine flood states had significant uses of their National Guard on state active duty, which is summarized in Figure 5.5. We visited Illinois, Iowa, and Missouri, the three flooded states with the largest use of their National Guard, to obtain some in-depth information of their contributions. In most cases these states used their National Guard to perform search and rescue, security, traffic control, evacuation, air and ground transportation, food and water distribution, water purification, sandbagging, and emergency center operations.⁴⁷ The operational peak for National Guard on state active duty for the Midwest floods reached almost 11,000 personnel.⁴⁸ As Figure 5.5 illustrates, the use of National Guard varied significantly among the five states for which data are displayed but totaled over 220,000 workdays of state active duty. The duration of the flood, extent of damage caused, size of the affected areas within the state, and availability of other state assets were major determinants in the scope of usage for the National Guard in state active duty. We discovered several incidents of interstate mutual support among the National Guard. For instance, National Guard units from Alabama, Arkansas, Kentucky, North Dakota, and Ohio provided 32 water purification equipment sets and personnel to assist Iowa

⁴⁴Federal Emergency Management Agency, *Midwest Flood Critique Report*, January, 25, 1994, p. 2.

⁴⁵Iowa Department of Public Defense, Office of the Governor, *The Floods of 1993: Iowa Flood Disaster Report*, May 1994, p. 35.

⁴⁶*Ibid.*, p. 1.

⁴⁷D'Araujo (1995), p. 5.

⁴⁸Reserve Forces Policy Board (1994), p. 45.

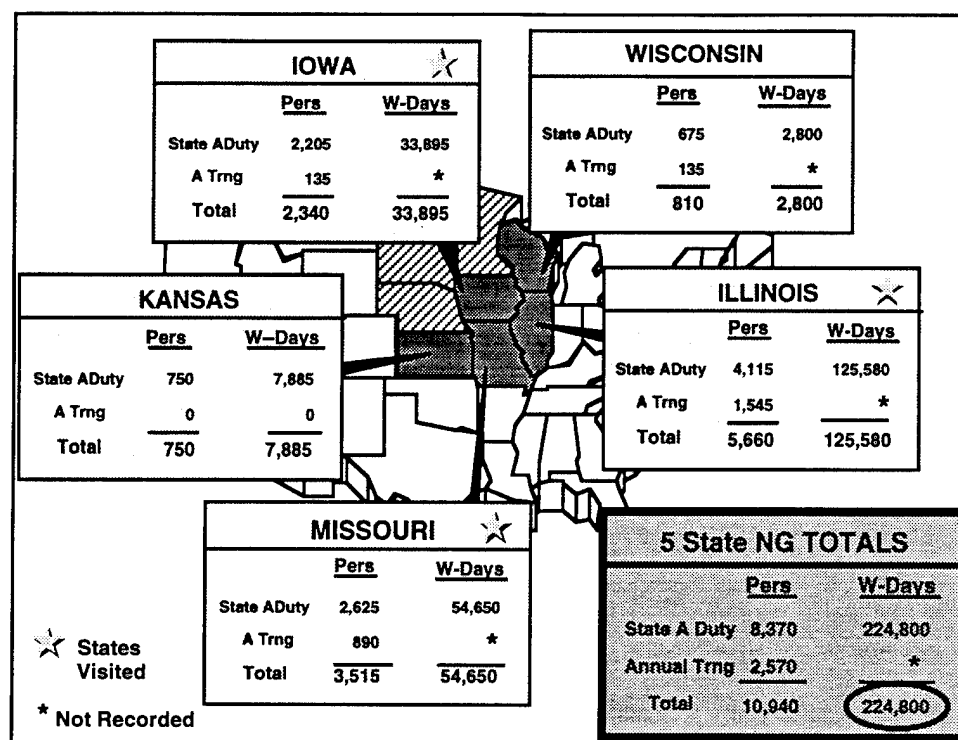


Figure 5.5—National Guard Involvement in the Midwest Floods of 1993 ⁴⁹

area hospitals, and the Texas National Guard provided CH-47 helicopters to move pumps for the waterworks in Des Moines, Iowa.⁵⁰ The overall National Guard effort lasted several months and contributed significantly to flood response and recovery operations.

A more in-depth look into the individual states provided further insights as to the extraordinary nature of the use of the National Guard on state active duty. Figure 5.6 provides the recent experience of the Missouri National Guard on state active duty including their involvement in the Midwest floods of 1993. During this five year period Missouri used its National Guard very little until the 1993 flood. In fact, for 1990 through 1992, the Missouri National Guard recorded no use of members on state active duty. While the Midwest flood of 1993 were characterized as the “once in a century” occurrence, the 54,650 state active duty work days related to those floods are a peak record in the entire history of the Missouri National Guard.⁵¹ Missouri had a combined Army and Air National Guard personnel strength of about 12,000 members during the time of the floods. A total of 5,615 personnel were called throughout the period of the floods, for just under fifty percent of the total, and with a peak number of 3,176 members on state active duty.⁵² Clearly, the state

⁴⁹Briefing and data provided by operations officers in the Army National Guard Readiness Center, May, 1994.

⁵⁰Iowa, Annex A, unnumbered pages

⁵¹Missouri National Guard, Office of the Adjutant General, *After Action Report: Mississippi and Missouri River Flood Duty, 4 July–5 October, 1993*, 29 October 1993, p. 1.

⁵²*Ibid.*, pp. 1–3, and Enclosure 4.

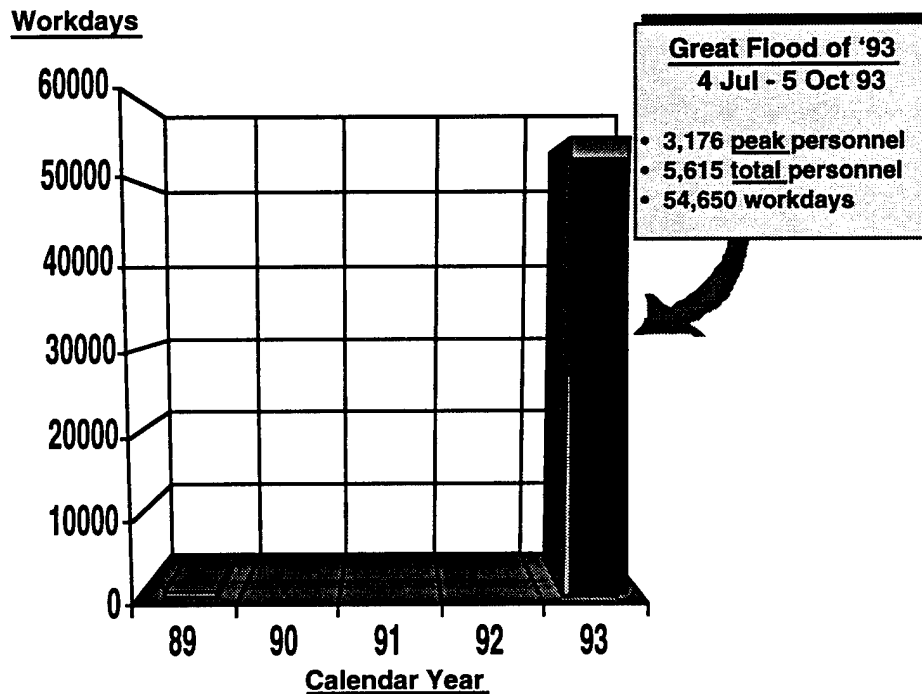


Figure 5.6—Missouri National Guard State Active Duty Experience

National Guard had a sizable portion of its personnel and capabilities untapped by this disaster.

The experience of the Illinois National Guard is quite similar to that of Missouri. As shown in Figure 5.7, over ninety-five percent of the state active duty days used by the Illinois National Guard in calendar year 1993, about 132,000, was in response to the flood of 1993. While the vast majority of Illinois Army and Air Force National Guard units participated in the response and recovery operations, the total number of personnel activated during calendar year 1993 for flood operations was 7,631, or about fifty percent of their total strength. The Illinois National Guard rotated personnel during this operation, but maintained a state active duty strength of over 2,000 continuously from July 9, 1993, until August 13, 1993, some thirty-five days.⁵³

The second-highest use of the Illinois National Guard during the recent five years was in 1989, when about 4,800 workdays were used in response to the Allendale tornado. This is a small use in contrast to extraordinary use in 1993 but not uncharacteristic of the experience of the other years. In fact, 1991 shows a year with no state active duty usage.

⁵³Illinois National Guard, Office of the Adjutant General, *After Action Report, The Great Flood: Operation Waverider*, 9 February 1994, Enclosure 1.

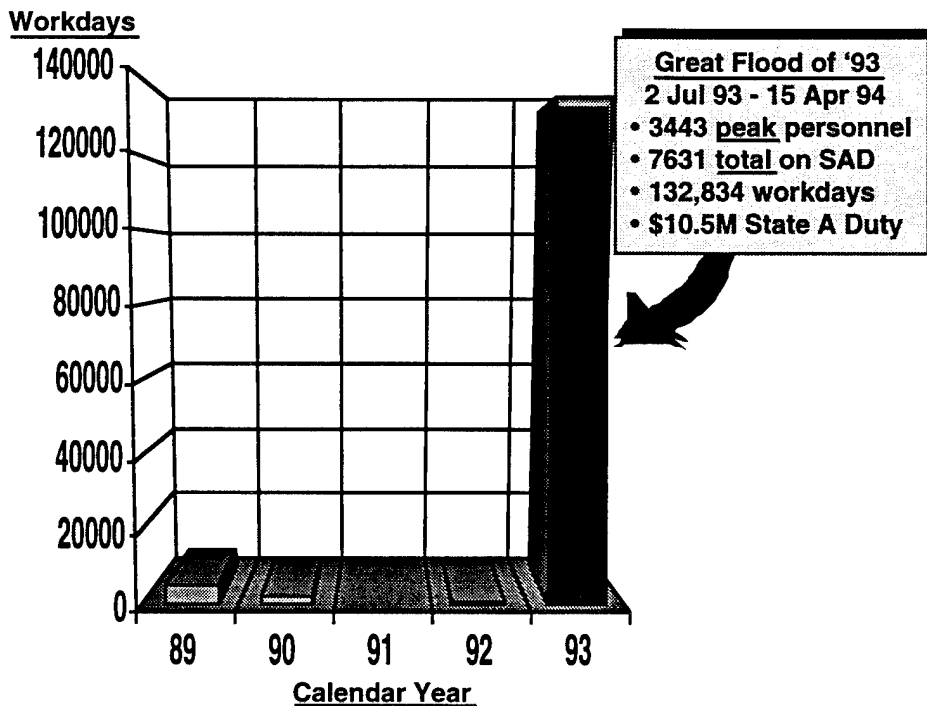


Figure 5.7—Illinois National Guard State Active Duty Experience⁵⁴

In spite of these extraordinary uses of the National Guard in Missouri, Illinois, and other states, none of the states involved in the floods of 1993 suggested that they had exhausted the capabilities or personnel assets of their respective National Guards. Once again, FEMA assistance was provided in each of the nine disaster states to supplement, in various ways, the state assets, but no major federal military units were required or deployed.

Los Angeles Riot: California National Guard. On April 29, 1992, the jury in the so called “Rodney King police brutality trial” announced its verdict, which acquitted all the accused Los Angeles police officers. Within hours demonstrations of outrage over the verdict were staged in several parts of the city. Quickly these demonstrations turned violent and a large part of south central Los Angeles was soon engulfed in riots, looting, fires, beatings, and shootings which lasted for seven days. This major civil disturbance resulted in 58 deaths, injuries to over 2,300 people, more than 5,300 fires, and major destruction to numerous homes and businesses with an estimated cost of over \$800 million. During this period several other areas within Los Angeles County, California, and elsewhere in the nation also experienced related lawlessness and rioting. Late on April 29, the Mayor of Los Angeles requested state assistance, and the Governor of California initiated the call-up of state National Guard units and personnel. It should be noted that the California Law

⁵⁴Data provided by the Illinois National Guard, Office of the Adjutant General, June 1994.

Enforcement Mutual Aid System,⁵⁵ which provided resources to support civil disturbances, had not been activated between the city and county of Los Angeles, and the state law enforcement assets had not been exhausted, as envisioned in the plan, prior to activating the California National Guard.⁵⁶

Regardless of the initiating events and the lack of an integrated response throughout all levels of local and state government, the California National Guard began recalling members to their local armories, gathering necessary civil disturbance equipment, and initiated movement of troops and equipment to staging locations in the Los Angeles area. By early afternoon of April 30, National Guard units were being assigned to "on the street" area and site security, force presence, and traffic control tasks. Within the first twenty-four hours after the activation, late on April 30, 1992, the California National Guard had assembled over 4,500 of its members and had an "on the street" strength of about 1,000 soldiers. In the next twenty-four hours, these strengths grew to over 9,000 assembled and almost 7,000 of these already assigned to "on the street" tasks with additional members being recalled to state active duty. The peak state National Guard strength of about 11,900 was reached about four days after the initial activation orders.⁵⁷

Late on April 30, the Governor of California requested federal assistance to restore law and order in the Los Angeles area. On May 1, 1992, President Bush federalized employed elements of the California National Guard and directed the movement of federal military forces to the area under the executive authority of the Senior Civilian Representative of the U.S. Attorney General. The federal military was organized into a Joint Task Force (JTF) commanded by the Commander of the 7th Infantry Division from Fort Ord, California, which provided the largest portion of the combined Army and Marine units employed. A federal military contingent that included some 3,500 soldiers and 1,500 marines was quickly deployed, and on May 2, the JTF assumed control of the California National Guard. The effective presence of major military forces, over 16,000 total personnel, in conjunction with major deployments of California law enforcement officers stabilized the situation within a few days.⁵⁸ On May 8, federal active military units began redeployment to their normal duty stations, and on May 10, the California National Guard was returned to state control. From May 12 through 28, the California National Guard phased the release of members from state active duty. In total, the crisis consumed almost 95,000 state active duty workdays plus an even larger share of effort during the period of joint federal military involvement, when the California National Guard was federalized.⁵⁹

This civil disturbance operation was a major use of the state National Guard even discounting the period of federalization. Figure 5.8 illustrates the exceptional scale of this

⁵⁵The California Law Enforcement Mutual Aid System is designed to provide progressive access to law enforcement resources from the city to the county, and lastly the state level where after use of state police, the state National Guard would be called.

⁵⁶California National Guard, Office of the Adjutant General, *Civil Disturbance Los Angeles 29 April—30 May 1992: After Action Report*, pp. 3–6.

⁵⁷*Ibid.*, pp. 10–14, A-1, and B-1–B-2.

⁵⁸*Ibid.*, p. 40.

⁵⁹*Ibid.*, p. 21.

use of California National Guard on state active duty, which is easily discernible as significantly greater than other years' experience. While federal military resources were employed, the full potential of the California National Guard was not used.⁶⁰ In fact, at the peak strength during federalization of 11,900, this represented only about half of the available personnel.

The California National Guard has exhibited an unusually high rate of state active duty experience compared to other states, even discounting the large involvement in civil disturbance in 1992. This is caused primarily by the numerous incidents of natural and man-made disasters and law enforcement emergencies in the state. We illustrate this with a further accounting of state active duty for the California National Guard by type of activity in Figure 5.9. It should also be noted that state active duty to provide homeless shelters is often incidental to the floods, earthquakes, wildfires, and civil disturbance (law enforcement) activities that involved the California National Guard.

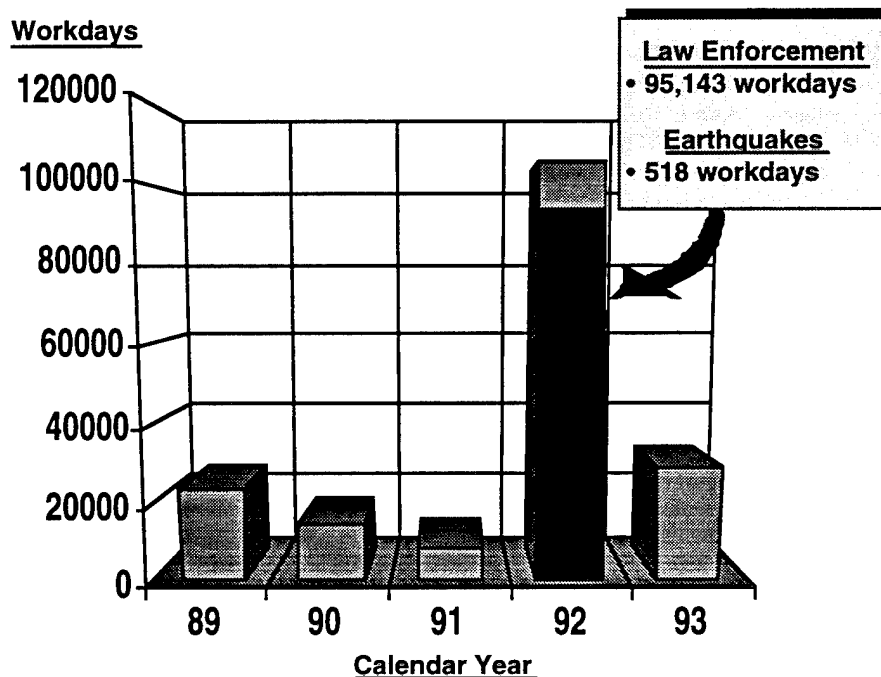


Figure 5.8—California National Guard Recent State Active Duty Experience⁶¹

⁶⁰It appeared to us that the decision to request federal involvement was based on political considerations rather than a determination that state capabilities were inadequate.

⁶¹Briefings and data provided by the California National Guard, Office of the Adjutant General, June 1994.

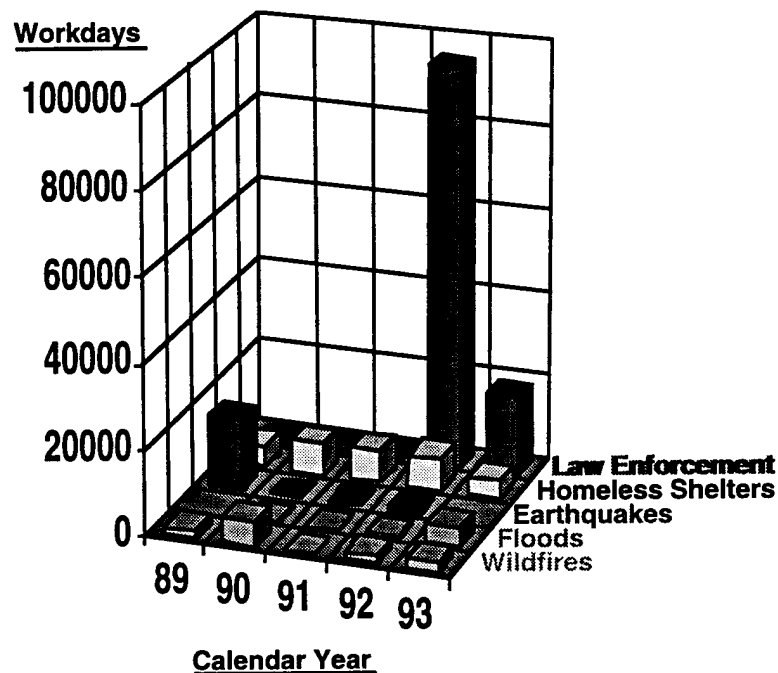


Figure 5.9—California National Guard State Active Duty by Type of Emergency⁶²

With a total personnel strength of some 24,000 in the California National Guard, this usage represents a five year average employment of over one day per year for each member, which is well above the national average for the same period. However, the support for law enforcement activities during 1992 and 1993 accounts for almost seventy percent of the total five year state active duty experience. This is also extraordinary in both the experience of California and the nation.

Routine State Active Duty Experience: New York National Guard. We also visited several states that displayed a more routine usage of some portion of their respective National Guards over this same period. While we have data on several states with various sizes of National Guards, we selected New York to illustrate routine usage because of the large size of its National Guard and the variety of involvements in its state active duty experience.

New York is one of the largest National Guard entities with an assigned strength of over 26,000 in 1989 that has been reduced successively to its current size of about 20,000 in 1994.⁶³ State active duty within the New York National Guard has included response and recovery tasks for disasters in the form of floods, mud slides, wild fires, hurricanes, snow and

⁶²*Ibid.*

⁶³Data provided by the New York National Guard, Office of the Adjutant General, August–November 1994.

ice storms, and support to law enforcement and civil authorities for emergencies such as civil disturbance and crowd control, mass immigration shelter and security, facility operation during prison guard strikes, safety and security during nuclear energy emergency, and water distribution. While this variety and level of activities is unique to the state of New York, the National Guards in many other states report similar experiences.

The experience of the New York National Guard on state active duty is shown in Figure 5.10. Note that even in 1994, the highest usage of state active duty in the last six years, the New York National Guard used less than 6,000 state active duty workdays, which amounts to one state active duty day per year for only about thirty percent of its assigned total personnel strength. The other years suggest a much lower average of annual state active duty for the entire period. Nonetheless, the New York National Guard contributed significantly to the state when it was needed.⁶⁴

The New York experience is typical and representative of National Guard state active duty usage over this period throughout many states. New York was not constrained by the

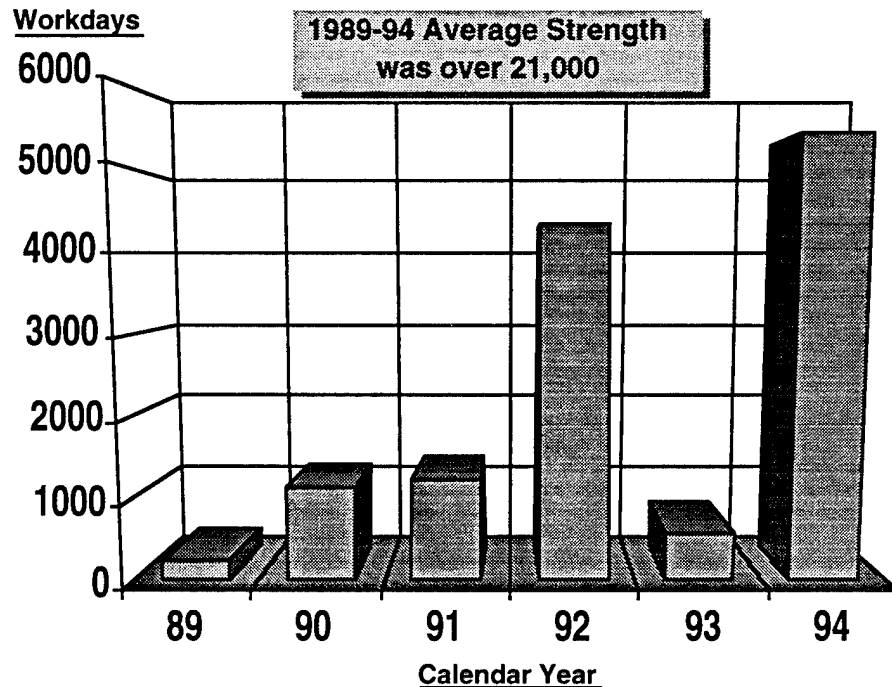


Figure 5.10—New York National Guard State Active Duty Experience⁶⁵

⁶⁴*Ibid.*

⁶⁵Data provided by the New York National Guard, Office of the Adjutant General, August–November 1994. 1994 data are not complete.

availability of personnel, units, or capabilities but had no major catastrophes that required the significant use of National Guard assets. In fact, many states show one or more years with no state active duty during this period.⁶⁶

Military Support to Civil Authorities: Community Support

The National Guard also provides appropriate support and capabilities to enhance or improve the quality of life in local communities through non-emergency support to private and civic organizations. This support is provided within federal and state laws and guidelines that are intended to assure that the state National Guard does not impair or negatively effect mission capabilities or readiness, does not operate competitively with private or commercial business, uses personnel in a volunteer or incidental to training status, provides benefit to the community at large, and does not accrue costs to the federal or state government above authorized limits.⁶⁷ These community tasks vary in character from construction of community athletic fields, to implementation of environmental improvements in watershed areas, to demolition of drug "crack houses" in support of local law enforcement agencies, and to providing bands and honor guards for community ceremonies. Judging by our research and field visits, these National Guard contributions are viewed by the communities and other supported organizations to be of great value, and they provide many opportunities for positive visibility and credit to the participants.⁶⁸

Community action tasks are generally supported on an "as approved when supportable" basis within the states. The National Guard personnel employed in the execution of these tasks are usually unpaid volunteers.⁶⁹ Our assessment of these community support activities is that they are not a competing nor additive demand to those derived from either federal missions or other state missions in a state active duty status. Hence, these community support activities are not and should not be a basis for determining force structure of the National Guard.

SUMMARY OF STATE ACTIVE DUTY

Major emergencies, such as civil disturbances, and natural disasters can create large unanticipated response and recovery requirements. The states have sizable but limited resources for these peak demands. The National Guard is usually a supplementary resource to other state agencies during emergencies and disasters. States plan for use of the National Guard in these instances, but we found no state plans that developed independent

⁶⁶Response data to RAND questionnaire from the Offices of the Adjutants General of the state National Guards. Twenty of the 49 National Guard entities that responded to the RAND data questionnaire had one or more years without any state active duty. Further, states showing more state active duty days in a given year than personnel in their National Guard also had a major disaster or emergency.

⁶⁷Department of the Army (1993), pp. 1-3-1-4.

⁶⁸*Ibid.*, pp. 8-0-8-7, and several state National Guard MSCA plans.

⁶⁹Interviews and discussions with state and federal officers of the National Guard, May-September, 1994.

requirements for the structure of their National Guard. In the preceding sections, we have discussed and analyzed the following examples:

- State resources, including those of the state National Guard, were insufficient to cope with these peak demands and federal assistance was required, such as happened in Florida following Hurricane Andrew.
- States requested and received federal assistance, from both active military and other agencies, even though the state National Guard had not consumed either a majority of its personnel or total capabilities (e.g., California and Louisiana).
- Many states had several recent years of routine usage of state active duty, such as New York, and other states had one or more years of no state active duty within the last six years.
- The long-term historical experience of the National Guard does not indicate that a sizable portion of its personnel and other capabilities are often involved in state active duty.⁷⁰ Our research of many lesser state emergencies and disasters shows that they were fully within state capabilities, and elements of the state National Guard were used effectively in several, but not all, of these incidents.
- When large amounts of state active duty are used, there is a direct correlation with the incidence of major emergencies or disasters within the states.
- The federal response system, under the management of FEMA, was established to provide for these incidents of peak demand in the states and, under the authority of the Stafford Act, may provide assistance from all federal agencies including the Department of Defense.

Excepting these few unpredictable incidents of major emergency or disaster, the National Guard has not been frequently used in a state active duty status and then only sparingly for short periods or using rotation plans for longer durations. For example, a major portion, over 90 percent, of the total state active duty for the National Guard in 1992 was a direct result of three incidents: Hurricane Andrew in Florida and Louisiana, Hurricane Iniki in Hawaii, and the Los Angeles riots in California. In 1993, almost fifty percent of the total state active duty was attributable to one event, the Midwest floods, principally in five of the nine affected states.⁷¹

As pointed out in Section 3, the existence and distribution of the National Guard, in their past, current, and future reduced size, is attributable to the demands established by federal missions alone. The states benefit directly from this largely federally funded resource and have used the National Guard as their supplementary force on state active duty to augment other state resources during catastrophes. However, the provisions for federal

⁷⁰See Figure 5.1 which illustrates the total National Guard state active duty experience from 1987 through 1993. Our analysis shows that the highest usage of state active duty in this period was in FY 1993, and this usage averaged less than one day of state active duty per member of the National Guard.

⁷¹Complete data for state active duty in calendar year 1994 were not available at this writing.

assistance in major state emergencies or disasters provide an ample reserve that is well beyond even the national level capabilities of the National Guard.

We find that there is little basis for sizing state National Guard force structures from state active duty experience. The occurrence of major emergencies and disasters in the states is infrequent, such occurrences rarely consume the total capabilities or personnel of their respective National Guards, and access exists to often needed federal resources that are provided for within existing statutes, either from FEMA or the Attorney General. Determining the force structure of the National Guard for a few rare occurrences of a peak demand for state active duty does not appear practical or sensitive to the apparent attendant costs.

With the exception of a very few major emergencies or disasters where the state assets are nearly or actually overwhelmed and federal assistance is required, we find the National Guard of the states is adequate now and in the future for the potential needs of state active duty.⁷² We also conclude that state active duty should not be a basis for determining the force structure of the National Guard. We shall address, in a later section, policy options for mitigating the impact of these infrequent peak demands that could potentially assist the access to resources or improve the capabilities of the National Guard of a particular state.

FEDERALLY FUNDED NON-FEDERAL DUTY STATUS

The second status within the scope of state missions is federally funded non-federal duty as provided by federal statute in Title 32, USC. This status encompasses (1) the peacetime drills, exercises, education, and training of the National Guard as individuals and units meeting federal requirements and in preparation for potential federal missions upon activation, mobilization or call-up; (2) full-time support are those members of the National Guard in Military Technician and Active Guard and Reserve (AGR) status; and (3) the status of individual members of the National Guard of the states performing special federally funded domestic programs. This latter group includes the use of the National Guard in the following activities:⁷³

- Drug Interdiction and Counter-Drug Activities Program (1989)
- Pilot Program to Use National Guard Personnel in Medically Underserved Communities (1992)
- National Guard Civilian Youth Opportunities Pilot Program (1992)
- Pilot Outreach Program to Reduce the Demand for Illegal Drugs (1992).⁷⁴

⁷²We considered the reduced FY 1999 size of the National Guard, the potential for major emergencies or disasters, the types of tasks appropriate for the employment of the military capabilities of the National Guard, and the potential impact of long term state active duty on employer and family relations by making allowance for rotations after 7 days of duty in our analysis.

⁷³Title 32, U.S. Code, Sections 112 and 501.

⁷⁴The congressionally mandated assessment of this program can be found in Jonathan P. Caulkins, Nora Fitzgerald, Karyn Model, and H. Lamar Willis, *Preventing Drug Use Among Youth Through Community Outreach: The Military's Pilot Programs*, Santa Monica, Calif.: RAND, MR-536-OSD, 1994.

All activities conducted by the National Guard in this status are considered to be state missions and are under the control of state officials.⁷⁵ Federal funding is authorized since the activities are established either in federal statute or in response to federal executive direction, usually through the National Guard Bureau. As mentioned previously, as authorized in federal regulations, National Guard members in this status may be employed during state emergencies and disasters at federal expense.⁷⁶

Drills and Annual Training

Activities of the National Guard that are in a federally funded non-federal duty and training status are of major importance in peacetime. Members of the National Guard are essentially required to spend a minimum of thirty-nine days of training with their assigned units. Typically, the training is usually split, with 48 drill periods (24 days) allocated to unit formations and drills and 15 days of annual training, but the total amount of federally funded training varies significantly among the two services and among units within the services. Our research shows that Army National Guard units are most often at or near the minimum number of training days. In stark contrast to this, Air National Guard units, particularly flying units, far exceed the 39 day minimum training time with some lift units averaging over 90 days per year and individual pilots and flying crew members often serving over 120 days per year. Many of these Title 32 training missions, while voluntary in nature, are directly supportive of federal peacetime operations as discussed in the BUR and represent the increased reliance on the reserve components mentioned earlier in Section 3.

It is important to note that these federally funded duty activities are not competitive with either state active duty or federal active duty. In the case of state active duty, a call from the Governor to activate the National Guard of the state takes precedence over training and most other duties performed under the provisions of Title 32, USC.⁷⁷ Further, the Adjutants General have the prerogative and authority to reschedule time for these minimum training requirements once state emergencies or disasters and federal missions no longer demand support from members of the National Guard. However, where authorized and specific tasks permit, drill periods and annual training time can be applied to state emergencies and disaster relief, saving the states some of the costs of state active duty. Additionally, once mobilized, called up, or otherwise entered on federal active service under any of the provisions of Title 10, USC, which take precedence, the drills and other training requirements for members of the National Guard prescribed in Title 32, USC, are no longer required. Hence, these tasks are performed primarily to maintain necessary individual and unit skills and readiness needs for potential federal missions but are not an additive demand.

⁷⁵Discussions with the Special Counsel to the Chief, National Guard Bureau, November 1994.

⁷⁶Operation Iniki, cited earlier in this section, provided one of several examples we discovered in our research of this usage.

⁷⁷Illinois National Guard, p. 6. This reference provides one of many available examples, where National Guard members on annual training were recalled into state active duty. In this instance members of the Illinois National Guard at Fort McCoy, Wisconsin, for annual training were recalled for flood duties.

We therefore conclude that these tasks provide the basis for determining the size or composition of only the TDA portion of the force structure of the National Guard, which is related directly to the force structure created to meet federal mission demands.⁷⁸

Military and Air Reserve Technicians and Active Guard and Reserve

The use of individual members of the National Guard as either Military Technicians, Air Reserve Technicians, or Active Guard and Reserve, collectively the categories of full-time support, is, in large measure, an effort in peacetime to support the federal missions. In the case of Military Technicians and Air Reserve Technicians, these National Guard members are employed full-time as federal civilian employees to assure the training, maintenance, and preparedness of National Guard units.⁷⁹ Active Guard and Reserve (AGR), as the term applies to the National Guard, are members employed full-time performing peacetime requirements that are directly related to the federal missions on a day-to-day basis in an active duty status. AGRs are primarily responsible for organizing, administering, recruiting, instructing, and training National Guard Units.⁸⁰ These National Guard members are given special status to perform in federally funded positions and are usually exempt from calls to state active duty that would interfere with their full-time positions. In the case of a federal call-up or mobilization, both technicians and AGRs are subject to being federalized with their units for active duty. Deployment of Full-Time Support (FTS) personnel is dependent upon the mission of their assigned unit. For example, AGRs assigned to the State Area Commands (STARCs) would remain within their states after mobilization. Full-time support personnel account for over fifteen percent of current National Guard total end strength with the Army National Guard averaging over twelve percent⁸¹ and the Air National Guard over 30 percent.⁸² These personnel fill force structures positions in either units or the TDA. However, FTS is not additive to the force structure.

Domestic Programs

The four federally funded domestic programs place varying demands on National Guard personnel. Judging by our field visits and research, it appears that the involvement of the National Guard in these domestic programs results in a major contribution to their communities, states, and the nation.

In the singular case of Medical Support to Underserved Communities, program participation is authorized by law to be performed during drills or annual training, but all other domestic programs must assure no compromise of a National Guard member's

⁷⁸As discussed in Section 4, the ARNG plans a TDA structure of about 31,000 spaces across all 54 entities for Fiscal Year 1999. This is less than 8% of the total ARNG force structure. The ANG also has a low percentage of this type structure.

⁷⁹Reserve Forces Policy Board (1993), p. 68.

⁸⁰*Ibid.*

⁸¹D'Araujo (1995), p. 35. For example, this publication lists 27,259 military technicians and 24,180 AGRs out of a total end strength of less than 410,000, or about 12.5% of the Army National Guard in FY 1994.

⁸²Reserve Forces Policy Board (1993), p. 70.

attendance to drills and annual training. Therefore, the program for Medical Support to Underserved Communities places no additional demand on National Guard members since it is performed during training and requires no separate full-time administration.

The pilot outreach program for drug demand reduction, on the other hand, employs a significant number of unpaid National Guard volunteers. But generally, this program involves only one or two full-time federally paid members of the National Guard per state to plan, organize, and execute the program—not a very significant demand.

The several types of National Guard Youth Opportunities programs are the second-largest demand among the four domestic programs. The youth programs use a combination of paid and unpaid National Guard volunteers,⁸³ with the states having the larger and longer-duration residential youth programs employing staffs of full- and part-time paid members numbering as many as fifty for most of the year. The full-time paid National Guard members are usually employed in supervisory positions, civilian staff are usually employed in instructor or teacher positions, and unpaid National Guard volunteers are usually employed as post-graduate student mentors. Of the fourteen states currently involved with youth programs, most of the state programs are only partially staffed by National Guard members, which suggests a lesser demand.

By a large margin, the single most demanding domestic program on National Guard personnel continues to be the Drug Interdiction and Counter-Drug program. Figure 5.11 provides a quantitative illustration of the historical demands of this program. With a FY 1993 peak annual effort of over 1.3 million workdays, the counter-drug program is almost three to four times the total of state active duty for the same time frame.⁸⁴ Once again, National Guard members employed in this program are volunteers paid under provisions of Title 32, USC.

In conclusion, our field visits and research indicate that the employment of National Guard personnel in federally funded domestic activities is generally performed on a voluntary basis, as noted above, with both state and federal active duty taking precedence. These domestic programs merely take advantage of the existing capabilities and infrastructure of the National Guard, and with a marginal increase in resources, they are intended to obtain a major positive effect on key national problems. While these domestic programs are of obvious importance and value to the states, each in its own way, they are subject to suspension when National Guard members are no longer available due to calls to either state or federal service. The demand may not diminish in these circumstances, but the availability of National Guard resources becomes constrained. Hence, we conclude that

⁸³Paid National Guard volunteers are civilian employees of the state and do not function in their military capacity.

⁸⁴Each of these four federally funded domestic programs is given a much broader treatment in Appendix C. Here we focus our consideration of these four domestic programs on their levels of effort and nature of employment of National Guard personnel to determine any additional demands within the state missions.

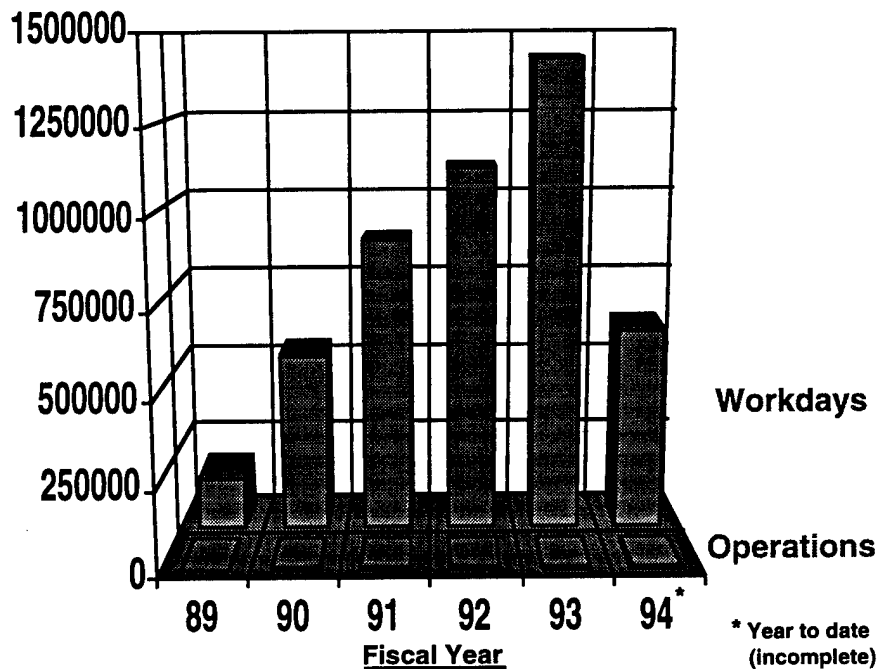


Figure 5.11—National Guard Support for the Counter-drug Program⁸⁵

these programs have not been and should not be a basis for determining the size or composition of the force structure of the National Guard.

ASSESSMENT OF NATIONAL GUARD ADEQUACY FOR THE STATE MISSIONS

The state missions performed by the National Guard, including those activities performed in state active duty and during non-federal duty status, are of significant value to the states and the nation during peacetime. Although the plan to downsize the National Guard will reduce current state structures by some five to ten percent, our research into historical usage of the National Guard on state active duty does not support the view that those reductions will result in any significant degradation in the states' abilities to cope with domestic emergencies and disasters.⁸⁶ In this regard, we note that although state active duty tasks, such as major disasters and emergencies, have the potential to exhaust state resources, and possibly the capabilities of the National Guard for peak demand periods, state active duty is infrequent, its use is usually driven by these peak demand events, and it is used as a supplement to other state resources. Further, the demands arising from non-federal duty can be largely characterized as a combination of volunteer effort, as observed within most domestic programs, and the remainder being primarily related or incidental to

⁸⁵Briefings by staff officers of the National Guard Bureau, May–July, 1994.

⁸⁶FY 1994 and 1999 force structure data provided by the National Guard Bureau for both the Army and Air National Guard, October, 1994.

training for the federal mission. However, neither of these activities is an additive demand on the National Guard force structure or in competition with demands that require either state or federal active duty status.

In conclusion, we find that the current and projected Fiscal Year 1999 National Guard force structure is generally adequate for state missions with the exception of a few potential peak demands which usually require federal assistance, such as that provided through FEMA. We do not find any practical basis for using state missions in determining either the content, types of units, capabilities, or the total size of the National Guard force structure. We also do not find that sizing for peak demands is an economical approach. However, we shall discuss these peak demand situations again, including the impact of integrated or combined federal and state demands and potential policy options to mitigate them, in the next section.

6. INTEGRATED FEDERAL-STATE DEMANDS AND POLICY OPTIONS FOR PEAK DEMANDS

In this section, we discuss the integrated demands of simultaneous federal and state missions on the future National Guard structure. Since Congress requested an integrated assessment, we review the combined nature of these missions, analyzed in earlier sections, which indicates that peak demands within the states are the primary activity that may consume or exhaust state National Guard resources. Next, we develop and analyze potential policy options for addressing or mitigating these peak demands on the state National Guard structures. We complete the section with our overall conclusions on the adequacy of the FY 1999 National Guard force structure to accommodate the integrated demands of both the federal and state missions and the advisability of the selected policy options.

DEMANDS OF INTEGRATED FEDERAL AND STATE MISSIONS

The possibility of having simultaneous federal and state missions, while historically infrequent and of low probability, must also be considered.¹ The demands that are generated by integrating the federal and state missions are determined simply, by combining the separate demands already addressed. Under the conditions of simultaneous missions, the federal missions take precedence for the National Guard. Next in precedence for remaining National Guard resources are state missions in a state active duty status. Last in precedence for National Guard resources will be the state mission activities performed under Title 32, USC, that are federally funded non-federal duty. Since this latter set of demands on the National Guard structure is not additive in nature, we consider only the combined federal and state active duty demands as elements of the integrated demand for our assessment.

As discussed in Section 4, the most demanding federal missions that affect National Guard resources are the two, nearly simultaneous, MRC scenarios. The most stressing National Guard state missions performed on state active duty are the peak demands associated with the infrequent occurrences of large civil disturbance emergencies and major natural or man-made disasters. Both of these missions generate diverse requirements for National Guard resources. In the case of federal missions, such as major regional contingencies, the specific units activated will be distributed among the states according to

¹For example, Operation Desert Shield/Storm, 1990-1991, was the first major federal call-up of the National Guard since the Vietnam War ended in 1973. While natural disasters in states have no predictable frequency, we observed the following experiences: (1) Hawaii seems to have a major hurricane about once every ten years, (2) the East Coast and Gulf Coast experience a major hurricane that makes landfall only marginally more frequently than Hawaii, (3) while likely areas for major earthquakes such as the major fault lines in California are known, they have no established frequency, and (4) there have been only a few major civil disturbances since the Vietnam War and they do not follow a predictable frequency. A review of the experience of having federal use of large portions of the National Guard and simultaneous major disasters in the states requiring the National Guard suggests the small probability of such occurrences.

actual needs of the responsible Unified Commands.² From our earlier analysis of federal demands in Section 4 and a review of the Desert Storm experience, it appears unlikely that any more than forty to fifty percent of the total National Guard would be deployed even during two major regional conflicts.³

In the case of the state missions, we illustrated several of the most recent peak demands on state resources, focusing on the involvement of their respective National Guards, in Section 5. We find that the frequency, location, and scope of these peak demand incidents are rarely predictable, the distributions of requirements among the states needed to respond to these incidents are similarly unpredictable, and then the National Guard performs as an important, but, supplementary resource. However, we concluded that there could be peak demands, such as those resulting from Hurricanes Andrew and Iniki, that could exhaust or overwhelm state resources, including those of the National Guard, and that the federal response system is the next level of assistance to the states in these extreme cases.

We also concluded that these combined demands could be viewed only qualitatively, and that **the best characterization of the integrated demands, of simultaneous federal and state missions, is obtained by considering those incidents that create peak demands in states and recognizing that the total National Guard resources available to the states for use would be reduced by any overriding federal requirements.** Consider the impact of federal activation and deployment of some major portion of the Florida and Hawaii National Guards on their respective disaster response contributions. It seems clear in these two examples, where massive federal assistance was already required, that reduced availability of National Guard assets would have caused a commensurate increase in the need for federal assistance.⁴ Hence, the integrated demand resulting from simultaneous federal and state missions is in reality the same state peak demands already observed but exacerbated by the potential decrease, due to federal activation, of National Guard assets remaining in the affected states. This characterization of the integrated demand also recognizes the inherent problem of determining the distribution of National Guard resources among the states in peacetime and after activation for federal missions. It is also fair to note that since the National Guard does not contain all necessary capabilities to respond to all the needs of major disasters, the states will continue

²Since no Time Phased Force Deployment Lists are currently established for the contingency scenarios, the distribution among the states of National Guard units to be activated can only be assumed based upon their assignment to various Contingency Force Pool packages (e.g., CFP-I or CFP-II).

³Department of Defense (April 1992) states that only 13 percent of the total Army National Guard and 9 percent of the total Air National Guard strengths had been activated by February 24, 1991, the initiation of the ground campaign. Plans for existing MRC scenarios individually require less total force than Desert Storm, but the second MRC will require more reserve component CS and CSS units as well as more backfill units than the initial MRC. Hence, tripling the NG actual participation in Desert Storm seems a reasonable estimate of their potential future involvement and corresponds to the detailed ARNG response plan. Further, the resourcing of many Army National Guard units, especially divisions, and the timing of their availability for deployment appears to severely limit the utility of large elements of this force.

⁴It is also recognized that availability of federal military resources will be constrained during major regional contingencies. This would require FEMA to be more reliant on the resources of lead federal civilian agencies including contracting for emergency response activities.

to need access to external federal assistance. Lastly, even during highly stressful national security situations, such as MRCs, the states would continue to be able to seek and receive federal assistance.

ASSESSMENT OF THE ADEQUACY OF PROPOSED NATIONAL GUARD STRUCTURE

As we have already discussed, the future FY 1999 National Guard Structure is adequate for federal missions and generally adequate in each state for state missions except for some infrequent peak demands. We also recognized the potential for simultaneous competing federal and state missions. Our analysis of the adequacy of the future National Guard force structure under such conditions considers the additive nature of these combined demands. We observe again that a significant National Guard structure remains available, possibly fifty percent of the ARNG, under even the most demanding of federal missions, and that states have historically not used their National Guards at a high capacity, except under the conditions of peak demands. We also reiterate that the National Guard often cannot provide the required resources needed in these situations, and that FEMA, with access to all federal assets, will be available to assist the states regardless of the scope of involvements in federal national security missions.

The impact on specific states of the actual call-ups of units of the National Guard for federal service, that is the distribution of federal activations, cannot be determined. Therefore, the size of residual National Guard structures within the states is indeterminate.⁵ We also find the location, timing, and scope of major emergencies and disasters that drive peak state demands are not predictable. Since both the distribution of demands among the states and of the National Guard residual structures in the states, after meeting federal mission needs, are unknown independent variables, the problem of determining adequacy of supply versus demand seems without specific solution at the state level. More importantly, it is generally accepted that it is impractical and costly to establish the size, in this case of the National Guard, either in total or at the state level, to deal with these peak demands—the National Guard's annual experience already shows that there is infrequent use of only a small portion of the total structure available at the state level. We conclude, therefore, that except for peak demands under the conditions of competing federal and state missions, the future structure of the National Guard will generally be adequate. We also believe that there are policy options other than increased National Guard force structure that could

⁵We obtained and analyzed the distribution of Army and Air National Guard units in the FY 1999 structure among the states and considered the impact of various scenarios involving federal call-ups. We determined that states with portions of the eight National Guard Divisions, certain special brigades, and late-deploying CS and CSS units would retain a large portion of their structures even during a two-MRC scenario. However, those states with CFP units and Enhanced Readiness Brigades may have large portions of their structures called to active duty. However, other RAND analysis shows it is unlikely that all 15 of the Enhanced Readiness Brigades would be called into federal service, since training facilities and personnel do not exist to accommodate the post-mobilization requirements of more than about three brigades at one time. Lastly, since actual Time Phased Force Deployment Lists (TPFDDs), including both Army and Air National Guard units, do not exist to determine impacts of selected call-ups on the states, we could not isolate and determine specific state impacts of federal mission call-ups.

ameliorate the impact of the peak demands upon the states. We will develop these policy options in succeeding sections.

POLICY OPTIONS FOR INCREASING RESOURCES TO MITIGATE PEAK DEMANDS

We considered a broad range of policy options, under the conditions of integrated federal and state missions, that could address the state needs for National Guard resources generated from peak demands. Figure 6.1 illustrates the range of these options. We considered the following six potential options from within this range:

- Change the mix of forces among the active, federal reserve, and National Guard components of the Army and Air Force.
- Change the existing plan for distribution of the FY 1999 National Guard force structure among the states.
- Change the accessibility to federal reserves for domestic employment.
- Change the reserve component structure of the Army and Air Force to place all federal reserves in the National Guard.

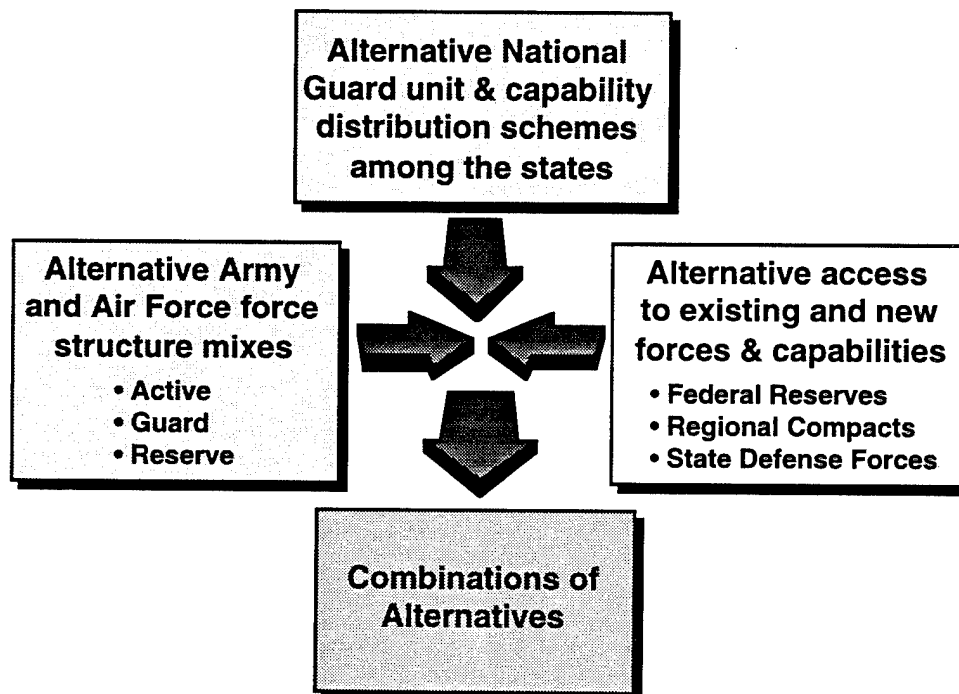


Figure 6.1—Potential Policy Options to Increase Resources for Peak Demands

- Change the accessibility to the units and capabilities of the National Guard between and among the states through sharing arrangements such as interstate mutual support agreements or compacts.
- Change the current policy to provide federal support and funding for state defense forces.

CONSIDERATION OF POLICY OPTIONS

Evaluation Criteria

We developed a set of evaluation criteria in order to assess the six potential policy options. We use the following criteria where applicable:

- **Capability to perform federal missions.** This measure considers the relative capacity, responsiveness, and risk associated with an option's impact on federal missions, primarily focused on MRC.
- **Relative Cost.** This measure is qualitative in nature and primarily considers changes in cost.
- **Turbulence.** This measure considers the turnover in units within the force structure including moves of units between components.
- **Supportability.** This measure considers the states' capacity in terms of physical (land and facilities) and human capital (population size, skills, and accessibility) to sustain requirements of the option.
- **Legality.** This measure considers whether current law supports an option or changes in law are required.
- **Feasibility.** This is a measure of the complexity of an option to include consideration of political acceptability.

Alternative Mixes of Active, Federal Reserve, and National Guard Force Structure

This option considers altering the planned mix of the total Army and Air Force force structures to increase the overall size of the National Guard by corresponding reductions in either the active or federal reserve components. Since we have already established that the future force structure of the National Guard is generally adequate, except in catastrophes that create peak demands, this option was considered only in the interest of completeness. The logic for this option being that a larger National Guard would also have a larger residual force available to the states to better address major emergencies and disasters after activations for federal missions.

Assuming that the total federal military structure is constrained in size or alternatively, by cost, increases in the National Guard would require offsetting reductions in either the active components or federal reserves of the two military services. In the case where the size of the total force is the constraint, reductions in the active force would tend to impact national military responsiveness to MRCs. As already discussed, the National Guard can provide Air units and Army Combat Support and Combat Service Support units for

deployment within short periods after mobilization, but Army National Guard combat units require long post-mobilization training periods. Considering the composition of the active Army to be largely combat and the Army Reserve to be almost entirely CS and CSS, it would seem to require a major restructuring of the total Army force to shift more of the force into the National Guard while continuing to assure the availability of properly trained units and capabilities when needed by MRCs. Further, such a restructuring may well result in increased requirements on the National Guard for the MRCs and leave no change in National Guard forces available to the states while inducing significant force turbulence. In the case where cost is the constraint and not total size, the argument is often made that the cost in peacetime of one member in the active force can pay for about three members in the reserve components. While the shift of active spaces into the National Guard could increase the overall structure, it fails to address the attendant costs of making more National Guard units ready within required deployment times and induces turbulence. Supportability is a concern but for small changes can be accommodated.

It is debatable whether either case discussed above would achieve any real increase in actual numbers of National Guard members remaining in the states during MRCs since the total federal demand is unchanged. With the positive results of this policy option being very questionable and the apparent increased cost, personnel turbulence, and negative impacts on readiness and military responsiveness that would be attendant to its implementation, it does not appear to be a practical solution. Lastly, while technically feasible, major changes in force mix would require Congressional approval which may be difficult to obtain.

Alternative Distribution of National Guard Units and Capabilities Among the States

We next considered ways to more effectively distribute the planned units and capabilities of the future National Guard force structure among the states to better address potential peak demands. For this option, we assume that the future FY 1999 National Guard force structure is fixed, but that we are free to alter the distribution of units and personnel subject only to supportability. We consider supportability to include availability of requisite land and facilities, sufficiency within state demographics, such as appropriate population size, skills, and location, to provide for recruiting and retention of necessary unit strengths, and adequacy of funds for the unit relocations required.⁶ Assuming that the specific demands of each state could be determined and the associated National Guard capabilities derived, we think it is technically feasible to distribute National Guard structure to better address state needs. However, even if the distribution of needs were predictable, this is a very complex option which is further complicated by the realities of the current stationing of the National Guard among the states. Moving units among the states has been done historically when they were not supportable in their original locations, but it usually has engendered various amounts of political wrath from Congressional delegations or state

⁶We reviewed the current Army stationing criteria used for the activation of new National Guard units, which includes supportability considerations, and found them to be far more complex and subjective in use.

leaders. The practical and political realities seem to dictate that changes in the distribution of existing National Guard units be done only under very dire circumstances and then usually after having given the states of targeted units a few years to correct readiness or supportability problems.⁷

We extended the analysis of this option by developing a manual distribution model for a small region of states to analyze our hypothesis that it was possible to station a fixed set of existing National Guard units among a selected set of states to better address potential state missions and peak demand situations. We were unable to address all aspects of supportability, specifically cost and availability of facilities, but our limited assessment indicated that some significant improvements to many state emergency response capabilities could be achieved, albeit with commensurate losses of National Guard assets in some of the other states. However, we found it difficult to extend our model and distribution criteria to a larger region or the full set of fifty-four National Guard entities, and we could not derive a universal method of assigning priorities that would address the unique needs of each of the entities. We also determined that it would be highly implausible to physically reassign, recruit, or retrain the members of re-stationed units, and that the potential long term readiness and personnel turbulence impacts, as well as the direct costs, would not be acceptable. The high potential for political influence to override any criteria- or rule-based distribution system was also an obvious concern. While the marginal use of distribution criteria, including consideration of state domestic mission needs, is feasible and practical for new units or relocating unsupportable units, we conclude that this option is not practical for a zero-based application, or any other application which could cause a major redistribution of existing National Guard units at the national level.

In spite of the technical problems associated with the process, this option would not adversely impact the capability to execute federal missions. However, moving units among the states is costly, induces significant force turbulence, and requires close scrutiny of supportability issues which may negate their vitality. Lastly, Congress would be very sensitive to any major realignment of assets among the states, which suggests a further limitation for this option.

Accessibility to the Federal Reserves for Domestic Use in the States

As we found earlier in Florida's experience with Hurricane Andrew, federal reserves are stationed within the states but are not normally accessible for use in domestic missions. We also found regulatory authority allowing use of reserve volunteers, providing for borrowing of federal military reserve equipment by the National Guard, and under a vague section of Title 10, USC, a possibility for providing involuntary access to federal reserves units and personnel for up to 15 days.⁸ However, federal reserves, law permitting their domestic use, would have to be retained under federal control and could not be directly

⁷Discussions and briefing from staff officers of the National Guard Bureau, October 1994.

⁸Title 10, U.S. Code, Section 672(b). However, this provision has not been used for domestic activities and is the subject of legal review and clarification. Also see Deborah R. Lee, *Accessibility of Reserve Component Forces*, 3 March 1994, p. 8.

accessed by states for their domestic needs. It seems interesting that federal active military forces are authorized and have been used under federal control for major emergencies in the states as we discussed in Section 5, but that federal reserves, which may be located near disaster areas and whose principal purpose is to augment the active military, have not been used for this purpose.

Under the conditions of the integrated federal and state missions, it seems clear that all portions of the federal reserves are not likely to be employed on federal active duty.⁹ This suggests that significant elements of the federal reserves would remain that could provide additional response capability to the peak demands of states by expanding the totality of federal resources available through FEMA. Under the conditions of a Presidential declaration of state eligibility for federal assistance under the Stafford Act, it seems reasonable and practical for the federal government to have access to all of its resources. Use of federal reserve units has the added benefit of access to the capabilities of all four military services, and they may be located in the affected state in close proximity to disaster areas, which should help reduce total federal costs. Lastly, the 15-day time constraint in the current law should be eliminated to provide flexibility. The changes in law to effect this option seem defensible.

We believe this is a feasible option that would expand the resources available to respond to peak emergency demands. As the federal reserves would remain under federal control, we see their potential use to be limited to federally declared disasters. Call-ups of federal reserves would not be competitive with other national security requirements and would not be allowed to have major negative impacts on the readiness of reserve units to perform their federal MRC missions. Since federal reserves are already supportable in their state locations, this criterion is unaffected, as is turbulence.

Increasing National Guard Capabilities by Eliminating the Army and Air Force Federal Reserves

During our visits to the various states, several senior members of the National Guard suggested that they saw no reason for having three components in the Army and Air Force, and that if the Army and Air Force Reserves were simply made a part of the National Guard in the states where they already reside, state military capabilities would be dramatically increased under all conditions of demand, federal mission capabilities are likely to be unaffected, and no significant costs would be incurred by such an action. While the logic that provided us with this option may be highly parochial in both its design and intent, it seems, at least superficially, to address a means of providing additional resources to the

⁹Department of Defense (1992), p. 485. More than 21 percent of the total federal reserves of the four military services, excluding the IRR, were called up for service in Desert Storm. This compares with only about 11 percent of the total National Guard. Further, the number of federal reservists called up was almost double the number of personnel called up in the National Guard (about 127,000 reservists versus 71,000 guardsmen). Nevertheless, we would expect that a significant fraction, one-fourth or one-fifth, of the federal reserves would remain available even in the event of the two-MRCs scenario.

states without reducing existing resources available for federal missions. Supportability raises some concerns since reservists would need to join the Guard.

However, we recognized that there is a lengthy tradition of three separate components for the Army beginning in the post-World War I period and later extending into the Air Force, and that many other considerations may negate the more apparent advantage of this option. A major change in federal law would be required, which may be difficult to obtain in light of existing traditions, history, and current status of reserve components. The scope of this study is inappropriate to address the full ramifications of this option. Since there is potential to increase state access to resources, we suggest the option be given more public consideration and further debate.

Sharing of National Guard Capabilities Among the States Through Interstate Mutual Support Agreements and Compacts

In Section 1, we mentioned the recent activities to design and use both interstate mutual support agreements and compacts to assist states responding to major emergencies through access to other states' resources. Peak demands, by our definition, require assets and capabilities that exceed the available state supply. Often, this is simply in the form of additional human resources, skills and manpower, to address an enormous demand for a period of response or recovery. Compacts and interstate mutual support agreements could assure access to these types of added manpower resources. Another type of demand this option would address is increased state access to scarce or special capabilities, particularly within the National Guard. For example, during the Midwest floods of 1993, the Texas National Guard provided CH-47 helicopter support to Iowa as that state and its National Guard lacked the capabilities this aircraft provided.¹⁰ The ability of states to access these scarce or special capabilities could be enhanced through various sharing arrangements. In our visits to the states, we found that several such agreements or compacts already exist and some have been employed that included sharing of National Guard units and capabilities.¹¹

The major concern with this option is not the associated costs of sharing assets among the states, as most agreements and compacts make this response voluntary and make the requesting state responsible for the costs, but there are serious legal questions of constitutionality, personal liability, and the universality of application. Additionally, should there be a resolution of these legal concerns, there are also questions of what resources would be included for sharing, e.g., including or limited to the National Guard; who would control these resources once provided; and what limitations would be imposed on their use (e.g., exclusions from arrest powers). Further, some states question the actual benefits they might receive in such arrangements. For example, large states with many assets may

¹⁰There are not sufficient CH-47 aircraft and units within the National Guard to equip even a majority of the 54 entities with this capability, and regional distribution may also be limited by various supportability concerns.

¹¹The Southern Regional Emergency Management Compact with nineteen member states and territories was signed by the respective governors on August 17, 1993, and has been used by some of the members to provide interstate emergency assistance. Also see Appendix D for a copy of the SREMAC.

become continual "providers" to the less capable states in their regions without likely reciprocity. Smaller, less capable states may not have the resources to pay the costs of borrowing capabilities from either unaffected or more affluent states in their regions and must rely on federal assistance when major emergencies arise. However, these difficulties do not seem insurmountable and the potential benefits of these sharing arrangements are well recognized in most states.¹²

The use of regional level arrangements to assure each of the included states have access to all likely needed assets and capabilities may be problematic. We considered the potential for several states in the same region to be affected by the same emergency or disaster that could create peak demands that would exceed the capabilities within a specified region. We are also concerned that the downstream impact of such evolving "regions" might lead to a new quasi or de facto level of regional government or bureaucracy that is not desirable or needed. We discussed these concerns during our state visits with state emergency management and National Guard officials, and we concluded that a national-level compact would eliminate any impacts of maldistribution of both assets and peak demands within regions and eliminate any potential for unwanted regional organs. The organization already exists at the national level, in the National Guard Bureau, to coordinate and facilitate movement of National Guard resources among the states, which supports the feasibility of a national-level compact. Such a universal national level compact would need the approval of all the states, other National Guard entities, and Congress. Obtaining such approvals may not be an easy task, but this option seems feasible and an appropriate way to address peak demands in states with little or no apparent increased cost to the federal government. Further, this option includes no turbulence into the force structure, is fully supportable, does not impact the capability to support federal missions, and has already demonstrated its feasibility at the regional level.

Federal Support and Funding to Develop Alternative Capabilities in State Defense Forces

This option considers the utility of developing state defense forces (SDFs) with federal support and funding to increase the state assets that may be available for peak demands. State defense forces are not part of the National Guard and have no federal mission responsibilities, which would remove them from state mission use. Many states have statutes allowing for some form of state defense force, particularly in the absence of the National Guard, and some of these states have state defense forces with standing memberships and plans for employment in the service of the state.¹³ Since SDFs do not contribute to the federal mission and are not part of the federal force, the capability to perform the federal mission and turbulence are not affected. During our visits to the states,

¹²Adjutants General responses to our RAND questionnaire suggest that over 90 percent support participation in interstate mutual support agreements or compacts that include the sharing of National Guard assets.

¹³According to a National Guard Bureau Information Paper, Subject: State Defense Forces, 25 of the 54 National Guard entities have active state defense forces. However, the total estimated strength was only 9801, and this number is not evenly distributed among the 25 states and territories.

we researched the employment history, current status, and capabilities of several state defense forces and subsequently surveyed the Adjutants General about their views on the effectiveness and potential utility of these state forces.

State defense forces differ according to the laws of the states where they exist. With few exceptions, state defense forces are little more than small volunteer organizations with several members holding honorary titles, ranks or positions. These SDFs usually receive little or no training and possess little or no equipment. States having state defense forces do not appropriate significant funds for their support but depend primarily on unpaid volunteer service. There is only a limited experience of state defense forces operating in a paid or involuntary status. When employed, they often perform administrative or quasi-security functions at public activities or as substitutes for activated members or units of the National Guard.¹⁴ The SDFs usually have prescribed uniforms, with some federal proscriptions to assure they are distinguishable from the National Guard or federal military forces. Puerto Rico and New York are examples of the few states that have extensive experience in the use of state defense forces with apparently good results.¹⁵ We found that a majority of the members of existing state defense forces were usually of retirement age, in many cases retired former members of the National Guard or federal military services. Many members want to belong to an organization that could continue to provide the military camaraderie they had previously enjoyed and whose objective was to contribute to the civic welfare. However, we concluded that the capabilities of the majority of the state defense forces are

¹⁴For example, in Louisiana during Operation Desert Shield/Storm, members of the state militia assumed the responsibilities for administration and security of state armories where National Guard units had been called up for federal service outside the state.

¹⁵The Commonwealth of Puerto Rico has a State Guard with over 1,500 members, many with prior military service and advanced levels of education. They provide a variety of missions for the commonwealth including:

- Assuming the state mission of the National Guard in the event of full or partial mobilization,
- Securing and defending the armories and other vital state installations during periods of Guard mobilization,
- Assisting civil authorities in the event of disaster or civil disaster,
- Conducting various civic actions, such as operating the National Guard museums, and
- Providing medical support to the National Guard.

The Puerto Rico State Guard is particularly helpful to the National Guard in the area of providing medical support. State Guard physicians provide the vast majority of the required medical examinations for National Guard members. The commonwealth estimates that the cost savings associated with the support provided by the State Guard over the last four years exceeds \$2 million, almost half of which is associated with medical examinations.

The Puerto Rican State Guard operates on an annual budget of about \$200,000, which is used for the salaries of a several full-time employees and the purchase and operation of several pieces of support equipment such as automobiles and vans. Members of the State Guard have scheduled training periods but receive no pay. They purchase their own uniforms, which replicate the Army National Guard uniform with a red name tag to indicate membership in the State Guard.

The Adjutant General of Puerto Rico was very supportive and appreciative of the State Guard's capabilities and efforts. However, he did not believe that federal support was required for the pay or operations and maintenance of the State Guard.

extremely limited and most states do not have state defense forces with active memberships.¹⁶ Hence, supportability appears a major concern.

This option considers the value to the states of providing additional federal funding and support to SDFs to increase the assets and capabilities available for state peak demands. Federal funding of SDFs could support pay to raise memberships and provide for training, operations, and equipment, and federal support through regulatory changes could give access to appropriate facilities that would increase SDF capabilities. These changes would be at an increased cost. Considering the potential undesirable consequences of federal funding, as viewed by the states, in terms of increased federal regulation and control, each state would wish to maintain its SDF as a purely state resource. This is highly unlikely and seems incongruent with federal objectives since such a state defense force would be in direct competition with the National Guard for membership and funding.¹⁷ Further, it seems that direct application of such federal funds to increase the size of the National Guard would provide equal or more benefit for both the states and the federal government if such an increase in size was otherwise justified. Federal funding, in part or whole, of state defense forces whose sole function is to perform state missions does not contribute to the national defense and seems a costly diversion when other federal resources are usually available to the states through FEMA during the peak demands caused by major emergencies and disasters. Lastly, legislation to provide federal funding for solely state benefits, while the National Guard is already an adequate resource, does not seem defensible.

We conclude that states should decide the need for and uses of state defense forces and provide funding at levels they determine appropriate to these needs. States that find their National Guard or total military resources insufficient are restricted only by the availability of state resources from establishing, training, equipping, and maintaining state defense forces. Regardless of federal funding, we do not find significant benefits in the use of state defense forces for state missions, and do not find state defense forces to be either a practical or efficient extension of National Guard capabilities for use during peak demands.

SUMMARY OF POLICY OPTIONS FOR PEAK DEMANDS

We examined six different policy options that had the potential to provide additional National Guard or federal resources to assist states faced with peak demands resulting from major emergencies and disasters. Of the six options evaluated against our criteria, we conclude only two seem to offer practical benefit that would assist the states and a third requires further study and evaluation.

The first of these options is to provide the President unambiguous statutory access to the federal reserves without a time constraint for use in domestic emergencies and disasters covered by the Stafford Act. This would directly increase the pool of resources available to

¹⁶Adjutants General responses to a RAND questionnaire suggest that about 74 percent believe that state defense forces provide little useful capability to perform state missions and should not receive federal funding.

¹⁷We also note that the National Guard evolved out of a similar historical experience from purely a state militia to its current federal-state dual status.

the federal government to assist states eligible for federal assistance. However, we recognize the limitation that this option provides no resource benefit to the states during lesser incidents that do not qualify for federal assistance.

The second option expands the use of interstate compacts or mutual support agreements that would share assets among the states, including existing and future resources of the National Guard. These state resources are available on a voluntary basis and not directly subject to federal involvement. During peak demands, states could request assistance from either the other member states of mutual regional compacts, the federal government, or both. Where special or limited use of capabilities are needed, most state emergency management officials and Adjutants General that we interviewed believe that compacts would be more responsive to the states than seeking federal assistance. However, in order to assure universal access for special capabilities and equal access to other state resources, a national-level compact seems warranted. In cases where several states may be impacted by emergencies or major disasters at the same time, a national-level compact would seem to provide a better potential for meeting each state's resource needs.

The third option that might increase National Guard resources during peak demands deals with eliminating the federal reserves of the Army and Air Force and placing their units, personnel, and equipment into the National Guard within the states where they are currently located. We are uncertain as to the practicality of this option since we were not able to evaluate it.

In conclusion, we have analyzed policy options that would provide additional resources to states during peak demand periods and when the National Guard may be involved in federal missions. We do not believe that additional National Guard force structure is needed in order to ameliorate these infrequent demands even under the conditions of integrated federal and state missions. The National Guard is adequate in all but these few unique cases, which may not be appropriate for military capabilities alone. At least two of the policy options we developed and analyzed provide the states with access to additional resources for these incidents; one through the expanded resources of the federal government, and the other through the expanded access to existing resources of other states and territories.

In the next section we address the remaining elements which Congress asked the study to consider and provide our conclusions and recommendations.

7. CONCLUSIONS AND RECOMMENDATIONS

This section presents conclusions from our research and analysis of the state and federal missions of the National Guard. The Congress specified certain issues to be considered in our study. We begin with our conclusions on these issues and some related relevant matters. Next, we present our recommendations that address policy options to assist in determining the resources available for use in state missions and recommendations on the specific issues of interest to the Congress.

These issues will be addressed in two groups: first, the adequacy of the size of future National Guard structure to perform both federal and state missions, and second, those other specific questions that primarily address ways of improving the National Guard capabilities available for use in state missions.

ADEQUACY OF FUTURE NATIONAL GUARD STRUCTURE

Our in-depth analysis of the adequacy of current and future force structure of the National Guard to perform federal and state missions provided several key insights. Since World War II, the National Guard has been structured and sized based solely upon the federal missions. The federal government sets standards, organizes units, and funds the training, equipping, and operations of the National Guard except for state active duty, and the federal government shares (generally on a 75/25 percent basis) with the states the costs of National Guard armories and facilities, which usually revert to state ownership after twenty-five years. For this significant investment, recently more than \$10 billion annually, the federal government receives primary access to a trained federal military reserve to augment the active Army and Air Force during both domestic and national security contingencies. These funds include National Guard service under Titles 10 and 32, USC, but during peacetime, primarily the latter. Since the Korean War, there have been only two significant, but limited, call-ups of the National Guard for external national security needs, the Vietnam and Persian Gulf Wars. In both these cases only a small portion of the total strength of the National Guard was called into federal service. Finally, we are not convinced the current BUR and National Military Strategy provide sufficient specific mission requirements to substantiate the entire planned force structure of the National Guard.¹

The states contribute funds for their share of facility construction and maintenance costs plus the pay and operations costs for using the National Guard on state active duty. Our review of state budgets indicates that the annual ratio of state to federal funds expended on the National Guard varies from a high of about 1 to 15 in California but seems to average

¹The broad mission of strategic reserve seems the only basis for a significant portion of the Army National Guard. The BUR indicates that the conditions for such a significant change in the threat environment will allow a lengthy period of warning; the readiness objective for deploying National Guard divisions provides one year for post-mobilization manning, equipping and training activities.

less than 1 to 20 at the national level.² The historical role of the National Guard as a state militia for defense against invasion or insurrection now appears an extremely remote possibility, while the contemporary use by the states has been mostly in response to major disasters and supporting law enforcement agencies during civil disturbance emergencies. The states use their National Guards as a supplement to other state agencies in either emergencies or disasters. Since the enactment in 1989 of federal drug interdiction and counter-drug legislation, which was the first of several domestic programs involving the National Guard, the states have received the added benefits of federal funding for specific domestic uses of their National Guards. From a national perspective, National Guard use in state active duty has amounted to less than one day per member per year. High usage of the National Guard in state active duty is infrequent and directly related to the incidence of a major disaster or emergency in that state. Lastly, our research indicates that high levels of state active duty use of the National Guard are unlikely to recur in the same state within a period of several years.

Our conclusion is that the current and planned size of the National Guard force structure is adequate for both federal and state missions, including the unlikely, but possible, situation in which the peak demands of both missions occur simultaneously. We addressed some options to assist the states with added resources when peak demands arise and believe some of them should be made available. However, we did not find that increasing the size of the National Guard was an efficient or economic way to address peak demands, especially when the federal government provides a large general reserve of resources to assist the states in both emergencies and disasters.

OTHER MEANS OF IMPROVING NATIONAL GUARD CAPABILITIES FOR STATE MISSIONS

Section 522 of the Defense Authorization Act for Fiscal Year 1994 provided that the study should also address three other issues that might provide a means of improving National Guard capabilities for use primarily in state missions. We address conclusions for each of these in this section.

Altering the System for Assigning Missions to the National Guard to Optimize National Guard Capabilities for Both Federal and State Missions

We analyzed the individual force structure development processes of the Army and Air Force which determined the ultimate structures of the Army and Air Force National Guard. As stated previously, this process considers only the requirements of federal missions and allocates to the reserve components those tasks that are not required to be accomplished by the active Army and Air Force. Within the reserve components—Army Reserve, Army National Guard, Air Force Reserve, and Air National Guard—each service uses a negotiated process for which types of units and capabilities make up the specific structures. For

²Data provided by the National Guard Bureau, May, 1994, states that, "the Federal government provides the majority of the National Guard's funding (\$11 billion annually), the States contribute also (\$500 million annually)."

example, in the Army, combat units in the reserve components will be only in the Army National Guard, and in the Air Force, air defense fighter units will be only in the Air National Guard. In each service, the assignment or allocation of National Guard units to the states considers overall supportability, minimizing turbulence and cost, and maintaining readiness. The National Guard Bureau, through its Army and Air Force directorates, participates in each of these processes. The National Guard Bureau provides the channel of communications for coordination with the states through their respective Adjutants General. Our research indicates that the current processes limit the involvement of the Adjutants General to portions of the allocation and assignment process. The federal force structure process is based upon multiple and varied mission requirements with an objective function of achieving the best national security posture within the allocated federal resources for which the states have no responsibility.

We examined the mission requirements of the states for the National Guard, and we found that while many state plans exist for both emergencies and disasters, these plans do not provide a mechanism for sizing the state structure of the National Guard. The states see the National Guard as a supplementary resource provided by the federal government that they can use when needed for their purposes. The requirements of the states for the potential use of their National Guards varies greatly depending on demographics, geography, climate, and potential for major emergencies and disasters. We considered several models for establishing state mission requirements, but found most requirements unique to the specific state and little evidence of prior use to support a generic set of criteria of assigning units at the national level. Several Adjutants General and some National Guard Bureau staff officers suggested that we consider using a set of generic capabilities that would support a broad range of tasks, and we found that this analysis had already been applied within the Office of the Assistant Secretary of Defense Reserve Affairs, but did not address structure sizing. We were also briefed on efforts within the National Guard Bureau to develop a model using "fuzzy logic" to address the complexity of state mission requirements.³ We found that neither of these methods or any that we devised, such as discussed in Section 6, could yield useful criteria for structuring individual state National Guards in the absence of corresponding specific commitments of state funds, state mission demands, and intended usage rates to justify the state force structures.

We concluded that the current systems for developing National Guard force structure provide little or no consideration of state missions needs for the National Guard. Further, assuming that the unique needs of the 54 National Guard entities could be quantified, we could find no practical set of criteria to allow the existing process to optimize both federal and state mission needs. Secondly, we found no way to consider individual state funding for their National Guards in a process where federal funding is the primary determinant. We believe that the existing processes based upon the federal missions are appropriate for national security priorities and resources, and these processes cannot be efficiently altered to optimize

³Briefings provided by staff officers of the National Guard Bureau, September and October, 1994.

both federal and state needs. Lastly, we suggest that, once the force structure has been decided, it is appropriate for the state Adjutants General to participate in consideration of supportability issues.⁴

We also suggest the potential of state mission demands should be considered when there are several comparable National Guard units available for call-up in response to an immediate federal mission. For example, if a Guard unit is needed for an upcoming federal mission, whether for an MRC or an operation other than war, and there are units from different states that have the needed capability and are equally responsive, the possibility of a natural disaster occurring in the several states during the period of Guard activation should play in the decision. By way of illustration, it may not be wise to call up a Louisiana or Florida National Guard engineering unit for a federal mission during the hurricane season if another state can provide an equally capable unit.

The Advisability and Feasibility of Regional Arrangements Among the States for the Cooperative Development of National Guard Capabilities

We addressed the use of interstate mutual support agreements and compacts earlier in this report. We are sensitive to some apparent legal issues, but we believe that interstate use of National Guard capabilities among the states has significant potential, especially when portions of the National Guard have been called into federal service leaving some states with reduced capabilities. Our discussions with National Guard Bureau and other military lawyers suggests that, barring the use of armed military forces across state lines subject to federal control, states could share the domestic capabilities of their National Guards in emergencies and disasters as well as other state capabilities. Our analysis of some existing regional arrangements suggests that larger groupings, such as the Southern Region Emergency Management Compact (SREMAC), have more potential for including a sufficiency of capabilities to cover a wide range of state needs.⁵ Since all of the agreements and compacts we reviewed were voluntary in nature with the using state bearing the cost burden for assistance rendered, we found them to offer access to manpower resources and scarce capabilities that would materially assist states in emergencies and disasters. Further, this state-to-state assistance would provide additional resources without involving or requiring qualification for federal assistance.

We conclude that interstate agreements and compacts can be feasible and appropriate instruments for sharing resources among the states for specific purposes, such as emergencies and disasters. We also believe that for specific capabilities, such as medium lift helicopters and water purification equipment, interstate agreements may be more responsive and less cumbersome to the requesting state than seeking federal assistance, more particularly when the scope of the event does not qualify for federal assistance. Lastly,

⁴Information provided by several state National Guard officers during our field visits.

⁵The SREMAC provides language that would allow inter-state use of armed forces (National Guards) to repel invasion and quell insurrection under state control, which according to military lawyers may not be constitutional. The SREMAC includes nineteen entities and has been signed by their respective Governors, but has not been submitted to Congress for approval. See the specific wording in Appendix D.

national-level compacts assure the universality of state access and make regional constructs unnecessary.

The Advisability of Federal-State Cost-Sharing Arrangements for National Guard Units Principally Performing State Missions

The Congressional tasking for this study specifically requested an examination of whether federal-state cost sharing arrangements should be implemented for National Guard units whose principal function is to support state missions. In addition to the specific issue of National Guard units, we also examined federal cost-sharing for State Defense Forces. We address these two options next.

In our visits to the fifteen state National Guards, we found only a single type of unit funded by the federal government that exists solely for state missions. That is the Reconnaissance and Interdiction Detachment (RAID) units assigned to several of the states specifically for counter-drug missions under the auspices of Title 32, USC. These small special-purpose units, composed of one or two specially equipped helicopters and a few operations and maintenance personnel, are used for aerial surveillance in the states with high potential for growing marijuana and have made significant contributions to the war against drugs. Although part of the National Guard, these units have no discernible assigned federal mission upon mobilization.⁶

Our interviews with the various Adjutants General found little or no support for National Guard units with primarily state missions, except the existing RAIDs. All of the interviewed Adjutants General stated that the National Guard force structure should be based solely on federal mission requirements. In our survey of Adjutants General, only 20 percent of the responses agreed that "units whose principal function was to support state missions should be organized and maintained in the National Guard."

We conclude that in principle National Guard force structure should be based upon federal missions governed by Title 10, USC, or the needs of assuring the training and administration of Guard units for federal missions as provided in Title 32, USC. Since only the RAID units in the National Guard were identified to perform principally in state missions, we find the issue moot. Lastly, by our extension of this issue to include consideration of State Defense Forces, we do not find sufficient basis to support federal cost-sharing of these state military organizations.

STUDY RECOMMENDATIONS

From our research, analysis, and survey of the National Guard entities, we have developed the following recommendations to assist the states during major emergencies and disasters, especially during the simultaneous occurrence of federal and state missions that place peak demands on the National Guard. We conclude the section with a short discussion of some related recommendations that are internal to the Department of Defense.

⁶This finding was supported by independent Army staff analysis within DAMO-ODS, February 1995.

Change Federal Law to Authorize the Presidential Use of the Federal Reserves for Domestic Missions

We observed the lack of use of Federal Reserves of all the military services in domestic emergencies and disasters.⁷ We appreciate the apparent rationale for federal use of active military resources in peacetime or secondarily federalizing the National Guard for use in domestic missions. However, with the potential, however small, for simultaneous federal and state mission involvement for these domestic military resources, we see no reason to limit the use of federal military resources. This is particularly the case when the National Guard has been called up for federal national security missions. Hence, we recommend that federal law be clarified and amended to authorize the Presidential use of the federal reserves of all military services without any time constraint as a resource for domestic emergencies and disasters.

Develop and Support Approval by the States and Congress of a National-Level Interstate Mutual Support Compact

We have found strong support for and prior experience in the interstate sharing of National Guard capabilities for emergencies and disasters.⁸ We believe that, if interstate mutual support agreements and compacts exist, the states can receive needed assistance, and probably with more attention to cost and responsiveness since, under such agreements, receiving states provide required funding. We are concerned that there may be large variances in the size and capabilities within different regional interstate arrangements. Therefore, we recommend that the Secretary of Defense develop and support establishment of an appropriate national level compact for interstate sharing of resources, including the domestic capabilities of the National Guards of the states, during emergencies and disasters for approval by the states, other National Guard entities, and the Congress.

Provide Federal Funding and Regulatory Support for Federal-State Disaster and Emergency Response Plan Exercises Involving the National Guard

We found during our state visits in discussions with both members of the National Guard and state emergency management officials that there were both regulatory and funding limitations on the participation of key National Guard planners in federal-state emergency response planning exercises, the basic proscription being that these exercises were not military related functions supported under Title 32, USC, and Department of Defense regulations. We found ample evidence to indicate that these federal-state exercises were beneficial to assuring the utility of plans and the integration of resources for all agencies involved prior to an actual disaster, and we believe that National Guard participation, even considering its supplementary role, is essential to the success of these

⁷While one portion of Title 10, USC, may allow use of federal reserves for up to fifteen days, Section 672(b) seems subject to further legal interpretation. We do not believe that there should be any question as to the powers given the President for using the federal reserves in domestic emergencies and disasters.

⁸Hawaii, California, Louisiana, and Iowa are all recent example beneficiaries of National Guard support from other states during major disasters or routine operations.

exercises. Therefore, we recommend that the Department of Defense make appropriate changes in regulations, seek amendments to constraining federal laws, and request federal funding to assure that the National Guard becomes a full participant in future FEMA sponsored federal-state emergency response plan exercises.

Create Federal Level Contingency Stocks to Support the National Guard in Domestic Disasters

During our state visits we inquired as to special equipment needs of National Guard units involved in state missions. We were aware of the existing National Guard Civil Disturbance stocks and were interested in whether unit equipment needed augmentation during emergencies and disasters. We also included this issue in our survey of the Adjutants General who strongly support the need for such disaster contingency stocks, but we were not able to develop a detailed list of items or quantities required. We found experiences where very common items such as cots, blankets and tents were needed, such as during the Midwest floods, and others where more sophisticated technical equipment including emergency lights, cellular telephones, position-navigation devices, and batteries were required to augment standard unit equipment. The experience of using the Civil Disturbance stocks supports the contention that standard unit equipment was designed for purposes other than state or domestic missions, and that National Guard units would benefit from such stocks during disasters. Hence, we recommend that the Department of Defense determine those items in the appropriate numbers and in coordination with FEMA, provide them in standing stockpiles of common and special equipment to support the disaster response needs of the National Guard during state missions.

Other Study Team Study Recommendations

The study team also determined that some other items were relevant but somewhat peripheral to our key study issues and needed broader examination. We offer the following recommendations for further consideration by the Department of Defense.

Initiate a Department of Defense Level Study of the Need for Both Federal Reserves and National Guard for the Army and Air Force. As we noted in Section 6, we were unable, within the scope of this study, to determine the continued need for both federal reserves and National Guards within both the Army and the Air Force. The efficiency and effectiveness of having both reserve components was raised by several senior officers of the National Guard during our state visits. We believe that this issue is appropriate for further examination. Therefore, we recommend that the Secretary of Defense initiate a study to determine the continued need and utility of having two reserve components for the Army and Air Force.

Explore the Potential Future Ramifications of Federal Domestic Initiatives on the Department of Defense and the National Guard. Our research reviewed the National Guard participation in four relatively recent domestic programs, but we did not endeavor to evaluate either the effectiveness of the programs or the utility of National Guard participation. We did obtain significant evidence from both state and federal agency officials

involved in these programs who supported continued National Guard involvement. We also obtained views from National Guard and active military who expressed concern for having scarce national security resources allocated for domestic programs if the involvement of the National Guard in domestic programs detracted from their capability to respond to federal national security missions. We were not able to address these questions within the scope of our study but believe they are relevant questions. We recommend that the Department of Defense initiate a long-range study of the military value and potential impacts of these federal domestic initiatives on the overall resources for national security and the capabilities of the National Guard to perform their federal mission.

Consider the Potential Impact of Federal Activations of National Guard Units on the Availability of Resources to Perform State Missions. Lastly, we were concerned by the lack of apparent consideration of state needs during federal call-ups of the National Guard, and we believed that improved coordination and communication of unit selections between Department of Defense officials, primarily military planners, and state National Guard staffs could help to mitigate the impacts of future call-ups on the states. Recognizing that unit selections for call-up or mobilization, such as during Desert Shield/Storm, often allowed a choice among several units from several states, we believe that some consideration of potential state demands could and should be made as discussed earlier in Section 7. When readiness and responsiveness dictate a specific National Guard unit for call-up, we accept that these factors should outweigh state needs. However, there appear to be many other cases where a choice of National Guard units will exist and that consideration of state concerns can be included in the call-up selection process. Hence, we recommend that the Department of Defense include consideration for state needs in the process for selecting National Guard units for call-up or mobilization and where appropriate choices exist, selecting units that would have the least impact on resources potentially needed to perform state missions.

SUMMARY

This study of the separate and integrated federal and state missions of the National Guard has shown that both levels of government rely strongly on access to National Guard capabilities for several specific needs. While those needs are not routine and the National Guard may often be an unused reserve for either the federal or state governments, the consequences of not having the resources of the National Guard available when needed are unacceptable. In its unique dual status, we believe the National Guard plays an important role for both the nation and the states.

Appendix A

STATE VISITS

We visited fifteen of the fifty-four National Guard states and territories to gather opinions and empirical data on several years' use of the National Guard in state missions as part of our overall research efforts. Figure A.1 illustrates the locations of the specific entities we visited. These National Guard entities were selected in coordination with the National Guard Bureau. Selection criteria included the recent use of the National Guard in major emergencies or disasters, their involvement in the four domestic initiatives, varied demographics and geography, and some consideration for regional representation. Added considerations for some of the states were their membership in interstate mutual support agreements and compacts, the existence of state defense forces, the service representation of their Adjutants General (both Army and Air Force), and a variety of relationships of the Adjutants General with their respective state emergency management agencies.

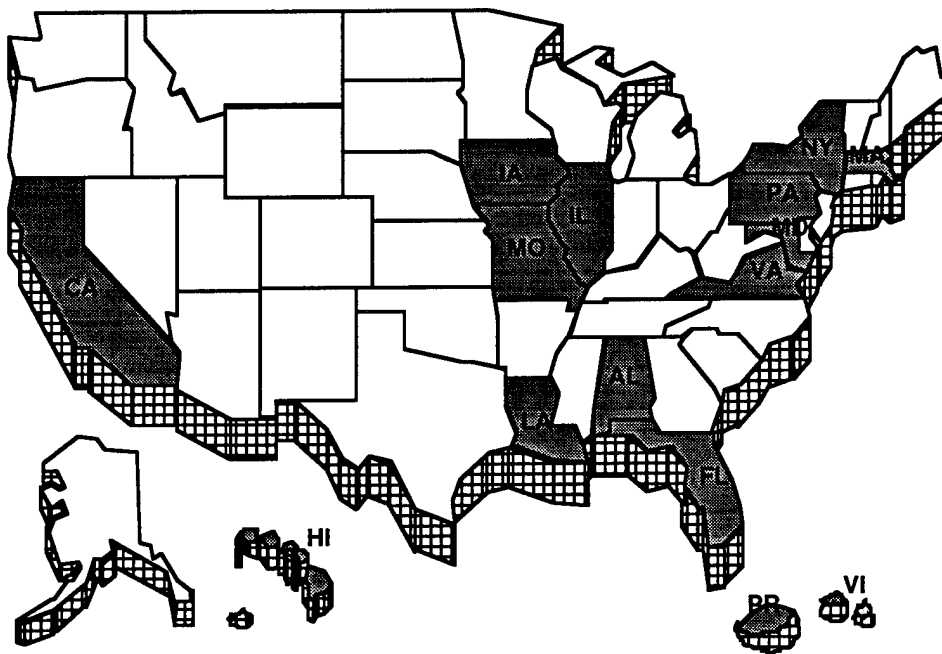


Figure A.1—The Fifteen National Guard States Visited

Appendix B

QUESTIONNAIRES

NATIONAL GUARD SURVEY

A survey was sent to all 54 National Guard entities to supplement and extend the information gathered during the 15 specific site visits. The first part of the questionnaire solicited the opinions of the Adjutants General on various issues examined during the research. The second part, completed by the staff of the Adjutants General, requested factual data on emergency procedures, operations, and experiences, on counter-drug activities, and on compacts and state defense forces. This appendix lists the questions from the survey instrument and a summary of the responses to those questions.

The next section contains the questions for the Adjutants General and shows a tally of the responses to each question. We received responses from 47 of the 54 Adjutants General. For each question, the number of Yes, No, and No Opinion responses is shown along with the appropriate percentage in parentheses. When additional details were provided for certain questions, we list the various responses of the Adjutants General.

The second section of the appendix reproduces the questions from the factual data portion of the questionnaire and summarizes the responses to the majority of those questions. We received responses from 49 of the 54 National Guard entities to this portion of the questionnaire.

ADJUTANT GENERAL QUESTIONS AND RESPONSES

1. The Adjutant General should be responsible for domestic emergency preparedness planning and management of response operations at the state level.

Yes—37 (79%)

No—10 (21%)

No Opinion—0 (0%)

2. The combined assets and capabilities of both the Army and the Air National Guard must be considered in domestic emergency preparedness planning and response operations at the state level.

Yes—47 (100%)

No—0 (0%)

No Opinion—0 (0%)

3. Five to ten years ago, the assets and capabilities of the Air National Guard were not fully considered in domestic emergency preparedness planning and response operations at the state level.

Yes—33 (70%)

No—14 (30%)

No Opinion—0 (0%)

4. National Guard forces and units should be structured based solely on federal mission requirements of the National Military Strategy (excluding Military Support to Civil Authorities).

Yes—26 (55%)

No—21 (45%)

No Opinion—0 (0%)

5. The National Guard's ability to perform a myriad of functions for the Governor in support of the state is a byproduct of its federal mission and training for this mission.

Yes—44 (94%)

No—3 (6%)

No Opinion—0 (0%)

6. The FY 1994 National Guard structure in my state is adequate to support state mission requirements.

Yes—36 (77%)

No—10 (21%)

No Opinion—1 (2%)

If your response is **No**, please list additional FY 1994 structure required for state missions.

Military Police

Transportation

Engineers

Medical/Mobile Hospitals

Heavy Lift Helicopters

Water Purification Units

Radio/Comm equipment compatible with public service agencies

Water buckets for helicopters

7. With the possible exception of a catastrophic domestic disaster requiring federal assistance through FEMA, the projected FY 1999 National Guard structure for my state is adequate to support state mission requirements.

Yes—29 (62%)

No—18 (38%)

No Opinion—0 (0%)

If your response is **No**, please list additional FY 1999 structure required for state missions.

Military Police

Transportation

Engineers

Medical

Medevac helicopters

Heavy lift helicopters

Water purification units

Communications unit and/or equipment

8. Whenever possible, I plan to rotate National Guard personnel called up for state active duty during a domestic disaster or emergency that exceeds seven days in duration.

Yes—41 (87%)

No—4 (9%)

No Opinion—2 (4%)

9. Units whose principal functions are to support state missions should be organized and maintained in the National Guard.

Yes—9 (20%)

No—35 (76%)

No Opinion—2 (4%)

If your response is **Yes**, provide examples of such units.

Military Police

Engineers

MEDRETES Units

Disaster Coordination Center

Aviation

Transportation

Medical Units

10. The personnel and equipment authorization documents of individual Army and Air National Guard units should be modified to include special skills or equipment that typically have been required during recent domestic emergencies or disasters.

Yes—10 (22%)

No—34 (74%)

No Opinion—2 (4%)

If your response is **Yes**, provide examples of such skills or equipment.

Front end loaders in Engineer units

Water purification units

Law enforcement units

Advance Life Support air and ground ambulances

Engineer equipment for debris removal

Toxic clean-up material and protective suits

Snow plows

Radios and comm equipment compatible with public service agencies

Water buckets for helicopters

Life vests and rubber boats for flood operations

11. The federal government, in cooperation with the states, should establish contingency stocks of preselected items such as cots, blankets, tents, and other types of general purpose items, excluding major pieces of equipment, that could be used during a state or federally declared emergency.

Yes—40 (85%)

No—7 (15%)

No Opinion—0 (0%)

12. My state supports the participation in interstate support agreements or regional compacts that include interstate use of National Guard capabilities for domestic disasters and emergencies.

Yes—43 (91%)

No—3 (6%)

No Opinion—1 (2%)

13. Regional compacts and other types of mutual support arrangements among states should not include provisions that enable the movement without federal authority of armed National Guard forces across state lines for such purposes as law enforcement, restoring order, countering insurgency, and repelling enemy attacks.

Yes—39 (83%)

No—7 (15%)

No Opinion—1 (2%)

14. Existing federal-state cost-sharing arrangements for construction and maintenance of Army and Air National Guard armories and facilities are appropriate.

Yes—31 (66%)

No—15 (32%)

No Opinion—1 (2%)

If your response is **No**, please provide appropriate cost-sharing arrangements.

90% federal/10% state

50% federal/50% state optimal; 25% federal/75% state acceptable

Armory maintenance funds are not adequate

Federal should assume 75% of armory maintenance costs

No problem with construction cost-sharing; armory maintenance should be 50% federal

Federal government should cover 100% of Army Guard facilities

States carry too much burden to maintain armories that are used more frequently for federal mission

Maintenance of armories should be 50/50.

15. Current FEMA cost-sharing arrangements which address federally declared domestic disasters and emergencies including the reimbursement for National Guard participation in response and recovery operations are appropriate.

Yes—39 (83%)

No—6 (13%)

No Opinion—2 (4%)

If your response is No, please provide appropriate cost-sharing arrangements.

In large emergencies, e.g. Andrew, federal government reimburses high percentage of total cost; they should reimburse cost of emergencies with less visibility.

Must cover long-term support to law enforcement during the recovery phase... need a Law Enforcement ESF in the Federal Emergency Response Plan.

100% reimbursement for Guard participation.

Need to have funds available to promote emergency response exercises and early lead time response before declaration.

Process is too cumbersome and restrictive.

16. I support state National Guard participation and leadership in Congressionally authorized youth opportunities programs such as Youth Challenge, Starbase and Youth Conservation Corps.

Yes—46 (98%)

No—1 (2%)

No Opinion—0 (0%)

17. I support state National Guard participation in the Congressionally authorized medical support to underserved communities program.

Yes—46 (98%)

No—1 (2%)

No Opinion—0 (0%)

18. I support state National Guard participation in Congressionally authorized counter-drug and drug-demand reduction programs.

Yes—45 (96%)

No—2 (4%)

No Opinion—0 (0%)

19. The federal decision process for assigning Air and Army units among the states should consider state requirements, such as specific capabilities required in response to domestic disasters and emergencies.

Yes—42 (89%)

No—5 (11%)

No Opinion—0 (0%)

20. The capabilities (weapons, equipment, facilities, and personnel) provided and inherent in Army and Air National Guard units, are adequate to perform the Military Support to Civil Authorities missions in this state.

Yes—37 (79%)

No—10 (21%)

No Opinion—0 (0%)

If your response is **No**, please list separately any significant shortfalls and related missions.

Too many combat assets vs. combat support.

Army aviation (rotary wing) transportation assets.

Military Police.

Medical units.

Aviation.

Heavy engineer equipment.

21. The level of volunteerism required to sustain the current level of federal missions assigned to the Army National Guard is supportable.

Yes—41 (87%)

No—5 (11%)

No Opinion—1 (2%)

22. The level of volunteerism required to sustain the current level of federal missions assigned to the Air National Guard is supportable.

Yes—40 (85%)

No—6 (13%)

No Opinion—1 (2%)

23. Downsizing to the FY 1999 structure will not significantly affect the capabilities of my state's National Guard to perform its Military Support to Civil Authorities missions.

Yes—28 (60%)

No—19 (40%)

No Opinion—0 (0%)

If your response is **No**, please provide specifics capabilities affected.

Loss of combat support units.

Major impact if Divisions not properly funded.

Law enforcement.

Loss of MP, transportation, maintenance units, and command and control HQ is a major problem.

There is a reduction in the number of people and equipment available for large fires and major events.

Projected to lose half the state's engineer assets which are already inadequate.

Reduction in air support helicopters will have significant effect.

Loss of specific Army Air and Truck company support.

Loss of Military Police.

Loss of capabilities such as trucks and personnel.

Sheer numbers of units and military members lost severely diminishes our capabilities.

There will be no Engineer unit in the state.

24. A state defense force, militia, guard, or other military organization under state control distinct and separate from the National Guard, provides useful capabilities to support state missions.

Yes—8 (17%)

No—35 (74%)

No Opinion—4 (9%)

25. The federal government should resource fully or in large part the costs of operating and maintaining state defense forces, militia, or guard organizations other than the National Guard.

Yes—8 (17%)

No—35 (74%)

No Opinion—4 (9%)

26. The principal advantages of inter-state mutual support agreements and compacts allowing access to other states' National Guard capabilities are:

Circle All That Apply

Augments state capabilities	1—45 (96%)
Retains state control	2—37 (79%)
More responsive than FEMA	3—25 (53%)
Less costly than FEMA	4—15 (32%)
Other (specify)	5—7 (15%)

27. I support the active involvement of the state's National Guard in community service operations under the following conditions:

Circle All That Apply

- Voluntary basis	1—38 (81%)
- No competition to private business/enterprise	2—37 (79%)
- No additional cost to the federal government	3—23 (49%)
- No liability to National Guard personnel	4—43 (91%)
- Contributes to the overall welfare of the community	5—42 (91%)
- Other (specify)	

28. The National Guard should be federalized for performance of missions, such as domestic disaster relief and emergencies, within the state boundaries.

Yes—7 (15%)

No—39 (83%)

No Opinion—1 (2%)

If your response is **No**, please provide reasons for not federalizing the National Guard.

29. The state's emergency response plan for domestic disasters and emergencies assigns missions to the National Guard only in a supporting role to primary state response agencies.

Yes—40 (85%)

No—6 (13%)

No Opinion—1 (2%)

If your response is **No**, please provide specifics on a separate page.

30. My state's Army National Guard will lose the following key capabilities as a result of the "swap agreement" with the Army Reserves (specify).

QUESTIONS REQUESTING FACTUAL DATA AND SUMMARY OF RESPONSES

SECTION I — EXECUTIVE BRANCH ORGANIZATION AND RESPONSIBILITIES

1. The State Adjutant General position in my state or territory:

Circle One Response

- | | | |
|---|---|----------|
| a. Is a cabinet level position and reports directly to the Governor | 1 | 32 (65%) |
| b. Is not a cabinet level position but reports directly to the Governor | 2 | 9 (18%) |
| c. Reports to the Governor through a cabinet level official | 3 | 6 (12%) |
| d. Other (please identify below) | 4 | 2 (4%) |

Other: _____

2. The primary official responsible to the Governor for disaster and emergency response planning and operations is the:

Circle One Response

- | | | |
|---|---|----------|
| a. State Adjutant General (dual-hatted) | 1 | 17 (35%) |
| b. A cabinet level officer or other official who reports directly to the Governor | 2 | 13 (27%) |
| c. An official who reports through a cabinet level official | 3 | 12 (24%) |
| d. An official who reports through the Adjutant General | 4 | 5 (10%) |
| e. Other: _____ | 5 | 1 (2%) |

3. The official responsible to the Governor for state civil disturbance planning and operations is the:

Circle One Response

- | | |
|---|------------|
| a. State Adjutant General | 1 21 (43%) |
| b. A cabinet level officer or other official who reports directly to the Governor | 2 12 (24%) |
| c. An official who reports through a cabinet level official | 3 9 (18%) |
| d. An official who reports through the Adjutant General | 4 2 (4%) |
| e. Other (please explain below) | 5 3 (6%) |

Other: _____

4. The rate of pay for National Guard members on state active duty is:

Circle One

Response

- | | |
|--|------------|
| a. Same as federal pay by grade | 1 18 (38%) |
| b. State has a separate pay scale for each grade | 2 2 (4%) |
| c. State has a single pay rate for all
(Specify _____) | 3 0 (0%) |
| d. Same as federal pay by grade except established
minimum rate (specify _____) | 4 19 (39%) |
| e. Other (specify _____) | 5 10 (20%) |

SECTION II — DOMESTIC DISASTERS AND EMERGENCIES

5. The types of potential natural and man made disasters confronting my state include one or more of the following:

	<u>Circle All</u> <u>That Apply</u>	<u>For Each Response</u> <u>Provide the</u> <u>Frequency in the</u> <u>Last 5 Years (#)</u>
a. Hurricanes	1	_____
b. Tornadoes	2	_____
c. Floods	3	_____
d. Snow and/or ice storms	4	_____
e. Earthquakes	5	_____
f. Droughts/water shortages	6	_____
g. Volcanic eruptions	7	_____
h. Hazardous material spills	8	_____
i. Nuclear incidents	9	_____
j. Prison riots	10	_____
k. Civil disturbances	11	_____
l. Strikes or labor disputes	12	_____
m. Wildfires	13	_____

n. Other (please identify below) 14 _____

Other includes: _____

6. Approximately how many emergency preparedness training exercises has your National Guard participated in during the previous five years? _____

7. Is the Air National Guard fully integrated into emergency preparedness training exercises?

a. Yes — 35 (71%) b. No — 14 (29%)

8. The following official(s) have the authority to call up the National Guard for state active duty during an actual or potential domestic disaster or emergency:

Circle All That Apply

- | | |
|---|------------|
| a. The Governor | 1 46 (94%) |
| b. The Adjutant General | 2 18 (37%) |
| c. Other officials identified by the Governor who may act for him at any time | 3 9 (18%) |
| d. Other officials designated by the Governor or state law who may act only in the Governor's absence | 4 22 (45%) |
| e. Other (please identify below) | 5 4 (8%) |

Other includes: _____

9. Are there any unique training requirements, beyond your units' federal mission training, that are required for response to domestic disasters and emergencies?

a. Yes — **31 (65%)**

b. No — **17 (35%)**

If you answered **Yes**, please describe the unique training requirements.

10. Please provide in the following four tables information on military support to civil authorities provided as a result of domestic disasters and emergencies from calendar year 1989 to the present (total for Army and Air National Guard):

Table A.1

State Active Duty Days for MSCA

State Active Duty Days for MSCA						
	1989	1990	1991	1992	1993	To Date 1994
Domestic disasters and emergencies						
Civil disturbance						
Total						

Table A.2

State Active Duty Days for MSCA, Federally Reimbursed (FEMA)

State Active Duty Days for MSCA, Federally Reimbursed (FEMA)						
	1989	1990	1991	1992	1993	To Date 1994
Domestic disasters and emergencies						
Civil disturbance						
Total						

Table A.3
Federal Duty Days for MSCA

	Federal Duty Days for MSCA					
	1989	1990	1991	1992	1993	To Date 1994
Domestic disasters and emergencies						
Civil disturbance						
Total						

Table A.4
Federal Duty Days for MSCA (Title 32)

	Federal Duty Days for MSCA (Title 32)					
	1989	1990	1991	1992	1993	To Date 1994
Domestic disasters and emergencies						
Civil disturbance						
Total						

11. Please provide as a separate attachment a copy of previously completed after action reports and briefings (if any) on the three most demanding operations (domestic disasters or emergencies) of the past five years involving the National Guard. If you feel that more than three were significant, you may also provide this information.

SECTION III — COUNTERDRUG OPERATIONS AND SUPPORT

12. Please provide information in the tables below and on the next page on Counterdrug Operations and Support from calendar year 1989 to the present.

Table A.5
Army National Guard

[illegible]

Table A.6
Army National Guard

[illegible]

Table A.7
Air National Guard

[illegible]

Table A.8
Air National Guard

[illegible]

SECTION IV — MUTUAL SUPPORT AGREEMENTS AND COMPACTS

13. Is your state currently a signatory to an inter-state or regional compact(s)?

a. Yes — **22 (45%)**

b. No — **27 (55%)**

If you answered **Yes**, please attach a copy of each agreement and provide the following information.

Type Agreement

Other States Involved

Support to be Provided

14. Is your state in the process of preparing to establish a mutual support agreement or compact with any other states?

a. Yes — **14 (30%)**

b. No — **34 (70%)**

If you answered **Yes**, please attach a copy of each draft agreement and provide the following information.

Type Agreement

Other States Involved

Support to be Provided

15. Has your state National Guard provided personnel or equipment support to another state during the previous five years?

a. Yes — **27 (55%)**

b. No — **22 (45%)**

If you answered **Yes**, please provide details on states you supported, the equipment or personnel you provided, the dates of the support, and who coordinated the support, the states' Governors or the National Guard Bureau.

16. Has your state received equipment or personnel support from another state during the previous five years?

a. Yes — 21 (43%)

b. No — 28 (57%)

If you answered **Yes**, please provide details on states that provided support, the equipment or personnel provided, the dates of the support, and who coordinated the support, the states' Governors or the National Guard Bureau.

SECTION V — STATE DEFENSE FORCES

NOTE: The term State Defense Forces, as used here, refers to state guards, state militias, other state military organizations separate and distinct from the National Guard.

17. Current statutes or codes in my state authorize a State Defense Force in addition to the National Guard.

a. Yes — 38 (78%)

b. No — 11 (22%)

If you answer Yes, please complete the remaining questions.

If you answer No, the questionnaire is completed. Thank you.

18. The State Defense Force currently consists of a total of approximately _____ personnel broken out as follows:

- | | |
|---------------------|-------|
| a. General Officers | _____ |
| b. Colonels | _____ |
| c. Other Officers | _____ |
| d. Warrant Officers | _____ |
| e. Enlisted | _____ |
| f. Total | _____ |

19. Please provide as a separate attachment, readily available information, on the State Defense Force, particularly information regarding the following:

- a. Its mission
- b. The extent to which it has been used to support state, local, and community activities during the past five calendar years
- c. Its annual state funding for the past five calendar years
- d. A copy of the state law or code that authorizes the force.

20. Indicate the chain of command for the State Defense Force.

Circle the Correct Response

- | | | |
|--|---|----|
| - Reports to the Adjutant General | 1 | 32 |
| - Reports directly to the Governor | 2 | 1 |
| - Reports to the Governor through another State official | 3 | 1 |
| - Other (specify) _____ | 4 | 1 |

Appendix C

FEDERALLY FUNDED DOMESTIC PROGRAMS INVOLVING THE NATIONAL GUARD

FEDERALLY DIRECTED DOMESTIC INITIATIVES

Federal legislation in the past few years has involved National Guard personnel, units, and facilities in several initiatives which address pressing domestic issues. These federally directed domestic programs include:

- **Use of National Guard Personnel in Medically Underserved Communities**

This program is intended "to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those States with the use of personnel and equipment of the National Guard."¹

- **National Guard Civilian Youth Opportunities Program**

This program authorized the Secretary of Defense, acting through the Chief of the National Guard Bureau, to conduct a pilot program to determine "whether the life skills and employment potential of civilian youth who cease to attend secondary school before graduating can be significantly improved through military-based training, including community service and conservation projects, provided by the National Guard."²

- **Drug Interdiction and Counter-Drug Activities Program**

This program authorized the Secretary of Defense, under certain conditions, to provide funds to a state governor to support the participation of the state's National Guard in drug interdiction and counter-drug activities.³

- **Outreach Program to Reduce Demand for Illegal Drugs**

This program was to "include outreach activities by the active and reserve components of the Armed Forces" and "focus primarily on youths in general and inner-city youths in particular."⁴

This appendix provides information on these four domestic programs including the states involved in each program, how the programs are conducted, the funding levels, and the potential for impact on National Guard personnel and unit readiness.

¹Public Law 102-484, National Defense Authorization Act for Fiscal Year 1993, Title III, Subtitle G, Other Matters, Section 376, October 23, 1992.

²*Ibid*, Title X, Subtitle I, Youth Service Opportunities, Section 1091.

³Public Law 101-189, National Defense Authorization Act for Fiscal Year 1990 and Fiscal Year 1991, Title XII, November 29, 1989.

⁴Title 32, U.S. Code, Section 112, Drug Interdiction and Counter-Drug Activities.

USE OF THE NATIONAL GUARD IN MEDICALLY UNDERSERVED COMMUNITIES

For many years, National Guard medical units trained extensively in Central and South America, providing their soldiers and airmen with training in three general areas—medical, veterinary, and dental. An added benefit from these MEDRETEs (Medical Readiness Training Exercises) was free medical care for the local populace. In 1993, Congress implemented a pilot program which allowed state Governors to use their National Guard to perform similar medical training missions within state boundaries. This pilot program is referred to as Operation GuardCare.

The program was initiated with Section 376 of the National Defense Appropriations Act for FY 1993.⁵ According to the language of the law: “the Chief of the National Guard Bureau shall enter into an agreement with each of the Governors of one or more states to carry out a pilot program during fiscal years 1993 and 1994 to provide training and professional development opportunities for members of the National Guard through the provision of health care to residents of medically underserved communities in those states with the use of personnel and equipment of the National Guard.” Oversight for the program is conducted by the Assistant Secretary of Defense for Reserve Affairs. The Department of Health, the Veterans Administration, and the U.S. Public Health Service also assist with the operation of the program.

With the original passage of the legislation, the Department of Defense General Counsel ruled that National Guard personnel participating in the program serve in state active duty status. Thus, funds provided by Congress were transferred to the state for personnel pay and other allowances. Congress, in the Defense Authorization Act for FY 1994, clarified the language to allow personnel to participate using federal status (Title 10 and 32) as a “program incidental to training.”⁶ Congress also extended the pilot program to 1995 and clarified the issue of liability for National Guard participants, stating that medical care providers were covered by the Federal Tort Claims Act.

When participating in Operation GuardCare, the National Guard coordinates their activities with a Civilian Health Organization (CHO). The CHO helps to identify areas of the state that would benefit from the medical support and informs the local populace of the dates and location. The states and CHOs ensure that the medical support provided by the Guard does not replace any non-federally funded services or compete with commercial sources of medical care.

The services provided by the National Guard are primarily diagnosis and not treatment. The primary emphasis is on general physical examinations, blood pressure checks, immunizations, simple lab tests, pap smears, dental evaluations, fluoride treatments, and preventive medicine education. When more substantial medical treatment is required, referrals and information on other federal programs is provided by the CHOs.

⁵Public Law 102-484; 10 U.S. Code, October 23, 1992.

⁶Report to Accompany House Report 2401, National Defense Authorization Act for Fiscal Year 1994, House Armed Services Committee, HR 103-200, July 30, 1993.

The initial programs were typically one-day or weekend clinics conducted in existing medical facilities or other public buildings such as high school gymnasiums. As states gained familiarity with the program and the potential options for providing medical support in conjunction with training, National Guard units were "deployed" and operated in field-like settings for extended periods. For example, in 1994, the 147th Combat Support Hospital of the Colorado Army National Guard deployed to Denver's inner city and conducted a two week clinic using their field hospital facilities.⁷ As another example, the 135th Surgical Hospital (MASH) of the Missouri National Guard, assisted by a medical detachment from the Iowa Air National Guard, deployed teams to five Iowa counties for a two week period in 1994.

Congress appropriated \$1.5 million for Fiscal Year 1993 and \$3 million for Fiscal Year 1994. The states participating in the program in Fiscal Year 1993 were Alabama, Arkansas, Maryland, Tennessee, and Washington. In Fiscal Year 1994, Colorado, Missouri, and Iowa were among the states added to the Operation GuardCare program.⁸

This National Guard program appears to succeed in accomplishing two objectives—training of the National Guard members and providing medical support to qualified state and local people. Since the program is accomplished during annual training, it does not place an additional burden on National Guard personnel.

NATIONAL GUARD CIVILIAN YOUTH OPPORTUNITIES PROGRAM⁹

For the past few years, the military services, and the National Guard in particular, have participated in a number of youth development programs.¹⁰ These programs seek to enhance the intellectual and personal skills of our country's youth. Many of the programs target specific subgroups, such as "at risk," "disadvantaged," minority, high school dropouts, or juvenile delinquents. The rationale for military involvement in this domestic issue is that the youths could benefit from a "simulated" military environment that stresses the values of duty, honor, and discipline.

National Guard participation is primarily in various programs of the National Guard Civilian Youth Opportunities Program.¹¹ The four main programs under this umbrella include ChalleNGe, Starbase, Urban Youth Corps, and Youth Conservation Corps.¹²

ChalleNGe is the largest, in terms of funding, of the National Guard youth programs. It is directed toward 16 to 18 year old unemployed high school dropouts who must be drug

⁷Maestas, Gil, "Colorado Army National Guard Mission: Denver's Inner City," *Colorado Medicine*, April 1994, p. 148, and Bob Haas, "Army Mission: Medicine," *USA Today*, March 11, 1994.

⁸Our site visits to Alabama, Missouri, Iowa, and Maryland included discussion of the GuardCare programs in those states.

⁹We visited several states with active programs for youth. We received information on these programs while visiting Illinois, Louisiana, New York, Iowa, California, Pennsylvania, and Virginia.

¹⁰See Elizabeth Heneghan Ondaatje, *Policy Options for Army Involvement in Youth Development*, Santa Monica, Calif.: RAND, MR-352-A, 1993.

¹¹Public Law 102-484, National Defense Authorization Act for Fiscal Year 1993, Title X, Subtitle I, Youth Service Opportunities, Section 1091.

¹²The military is also involved in the Civilian Community Corps, a modern-day version of Franklin D. Roosevelt's Civilian Conservation Corps camps run by the Army in the 1930s. However, the National Guard does not participate in this program, which is run primarily by retired military personnel.

free and have no criminal record. The main goal of the program is to provide educational instruction such that the participants can pass the GED (General Equivalency Diploma), the equivalent of a high school diploma. However, the program also teaches its students job skills, health, hygiene and sex education, the responsibilities of citizenship, life-coping skills, and work and personal values.

ChalleNGe involves a five month residential program where the students stay at a National Guard facilities, such as an Army National Guard base. This is followed by an 18-month mentoring program to reinforce the basic principles of the training and to offer job placement assistance. The National Guard uses primarily civilian employees in the educational portions of the program and National Guard members for the command, administrative, physical training, and leadership portions of the program. Civilian employees often wear a uniform of some type, possibly as a member of the State Defense Force. The National Guard personnel are on full-time duty but do not count against other limits on full-time active duty or full-time National Guard duty.

Fiscal Year 1993 funding for ChalleNGe totaled \$44 million (of the total \$57.5 million for the four National Guard Civilian Youth Opportunities Programs). Ten states (Arizona, Arkansas, Connecticut, Georgia, Illinois, Louisiana, Maryland, New York, Oklahoma, and West Virginia) participated in the program in Fiscal Year 1993. Six additional states (Alaska, Hawaii, Mississippi, New Jersey, Ohio, and Virginia) were added in Fiscal Year 1994.¹³

Starbase is a program for kindergarten through twelfth grade students aimed at improving math and science knowledge and skills. The objective is to attract and prepare students for careers in engineering and other science-related fields. The program concentrates on the real-world application of mathematics and science theory through experiments and simulations, but also stresses physical fitness and hygiene, drug prevention, life skills, and environmental responsibility.

Starbase participants spend one day per week for five weeks.¹⁴ The program is conducted by National Guard members who visit the schools. In Fiscal Year 1993, \$2 million was allocated to the program with five states (Oregon, New Mexico, Kansas, Minnesota, and Michigan) participating. Close to 30 states and territories had submitted plans for Fiscal Year 1994.

Youth Conservation Corps is a six-week residential version of the ChalleNGe program without the GED attainment component. It targets inner city high school dropouts who are drug-free and have no criminal record. The program teaches work and personal values; health, hygiene, and sex education; job, life, and group skills; and emphasizes citizenship and community projects. The program is conducted at local military bases and inner-city armories.

¹³Several other states and territories submitted plans but did not receive funding for the ChalleNGe program for FY 1994.

¹⁴The Iowa National Guard Starbase program also includes a one week summer residence program for students advancing to the sixth grade.

In Fiscal Year 1993, eight states participated in the Youth Conservation Corps (Alaska, California, Colorado, Mississippi, Pennsylvania, Virginia, Washington, and Wisconsin) with total funding of \$3 million.

Urban Youth Corps is a nonresidential version of the Youth Conservation Corps. It targets the same youth groups, has basically the same objectives, and is also held at military bases and armories. The National Guard participation in this program is often limited to providing support, transportation, and residential supervision.

The National Guard participation in the various youth programs appears to be effective without a significant demand on National Guard personnel. Although these programs do not necessarily relate to the readiness of National Guard units or personnel, they do provide a sense of civic accomplishment through helping to better youths who are "at risk" or underprivileged.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES PROGRAM

The use of illegal drugs is one of our nation's most pressing domestic problems. The military has played an active role in the war on drugs for almost a decade. National Guard participation in counter-drug activities began in 1977 when the Hawaii National Guard assisted local and state agencies in Operation Green Harvest, a program to eradicate domestically grown marijuana. Since then, the role of the National Guard has increased significantly to the point where currently almost every state and territory uses its National Guard in counter-drug or drug interdiction activities.

Throughout the 1980s there were several legislative initiatives that increased military involvement in the battle against illegal drugs. Public Law 99-570, the Anti-Drug Abuse Act of 1986, provides the legislative authority which supports the efforts to curtail illegal drug use. This act specified stiff jail sentences and major fines as penalties for drug trafficking, manufacturing, distribution, and selling. The use of the military, including the National Guard, is covered in the first four titles of the act.

The 1989 Defense Authorization Act, Public Law 100-456, specified three drug-related missions for the Department of Defense. These were:

1. to serve as the single lead agency of the federal government for the detection and monitoring of aerial and maritime transit of illegal drugs into the United States;
2. to integrate the command, control, communications, and technical intelligence assets of the United States that are dedicated to the interdiction of illegal drugs into an effective communications network;
3. to fund and oversee an enhanced drug interdiction and enforcement support role for the National Guard.¹⁵

¹⁵Colonel Dennis Hunter, *Military Counter-Drug Support to Law Enforcement Agencies*, USAWC Military Studies Program Paper, U.S. Army War College, April 1991.

Counter-drug and drug interdiction missions for the National Guard have increased to the point where the level of effort, measured in workdays, and the funding support for these missions are far greater than workload and funding for other domestic missions (see Figure 5.11). For example, over 1.3 million workdays were expended by National Guard members in Fiscal Year 1993. In total, the National Guard accounts for 20 percent of the Department of Defense counter-drug budget.

The governor of each state or territory must submit a plan for the use of its National Guard in the counter-drug program in order to receive federal funding. The National Guard primarily supports local, state, and federal agencies in the war on drugs.¹⁶ These agencies include the Drug Enforcement Agency (DEA), the Federal Bureau of Investigation (FBI), the Customs Agency, Border Patrol, and the Coast Guard. National Guard members provide a range of services and perform a variety of missions. These include:

- surface reconnaissance and surveillance
- aerial reconnaissance and surveillance
- surface and aerial transportation support
- cargo inspection
- aerial photo reconnaissance and film processing
- engineer support
- administrative, information, logistics, and maintenance support.

Many of the National Guard members who support the counter-drug program are on full-time Active Duty for Special Workdays (ADSW) status. In this status, the soldier or airman is paid by the federal government to participate in military training for the federal mission of the National Guard, but is still under control of the state. Also, in this status, the National Guard members are not subject to Posse Comitatus and can therefore participate in arrests and property seizures. There is also significant participation on a part-time basis, as Guard members are used for specific missions or to provide specific services for a period of time.

All National Guard members who participate in the counter-drug program do so on a volunteer basis. In some cases, the services they provide and the missions they perform relate to their federal mission training. In other cases, there is little or no relationship between the counter-drug activities and the federal mission training requirements.

Obviously, the war on drugs is very important and the National Guard plays a vital role. However, counter-drug and drug interdiction missions are subject to suspension when National Guard members are no longer available due to calls to either state or federal service. Therefore, this program, similar to the other federal domestic initiatives, should not be a basis for the size and composition of the National Guard force structure.

¹⁶The Army National Guard performs its counter-drug missions almost exclusively within its state. The Air National Guard performs missions within the state but also has a significant commitment to operations outside of the CONUS, either through the use of aircraft or by manning, equipping, and operating radar sites in South America.

PILOT OUTREACH PROGRAM TO REDUCE DEMAND FOR ILLEGAL DRUGS¹⁷

The National Guard efforts to reduce the demand for illegal drugs were initially part of the counter-drug and drug interdiction program. The National Defense Authorization Act for Fiscal Year 1993, Section 1045, created a separate pilot program for drug demand reduction. It specifically tasked the Secretary of Defense to "conduct a pilot outreach program to reduce the demand for illegal drugs. The program shall include outreach activities by the active and reserve components of the Armed Forces and shall focus primarily on youths in general and inner-city youths in particular."

The funding levels for the drug demand reduction program are fairly minor. Budgeted funds for both active and reserve programs totaled \$1.6 million in Fiscal Year 1993 and \$5.34 million in Fiscal Year 1994. These funds typically cover one or two full-time personnel for program administration and coordination. The program relies almost exclusively on unpaid volunteer efforts.

The emphasis of the program is on drug abuse education, prevention, and awareness. The program attempts to involve youths in activities designed to raise self-esteem, enhance their self-discipline, and assist in developing responsibility in their community. Various activities include visits to elementary and high schools, development and distribution of pamphlets, brochures, and posters, and conducting athletic events and summer camp sessions.

Because the pilot programs are so small and rely primarily on volunteers, there is little or no impact on personnel or unit readiness. In our interviews of those personnel, we were typically told of the positive effects on morale and opportunities to practice leadership and organizational skills. The program provides a positive image of the National Guard in their communities.

¹⁷For a description and assessment of the participation of the military in the drug demand reduction program see Caulkins et al. (1994).

Appendix D

SOUTHERN REGIONAL EMERGENCY MANAGEMENT COMPACT (SREMAC)

ARTICLE I - PURPOSE AND AUTHORITIES

This compact is made and entered into by and between the participating member states of the Southern Governors' Association which enact this compact, herein after called party states.

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency/disaster that is duly declared by the governor of the affected state(s), whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, or enemy attack.

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

A listing of statutory authorities of the party states to enact this compact is attached.

ARTICLE II - GENERAL IMPLEMENTATION

Each party state entering into this compact recognizes many emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of emergencies or the capability of delivering resources to areas where emergencies exist.

The prompt, full and effective utilization of resources of the participating states, including any resources on hand or available from the Federal Government or any other source, that are essential to the safety, care, and welfare of the people in the event of any emergency/disaster declared by a party state, shall be the underlying principle on which all articles of this compact shall be understood.

On behalf of the governor of each state participating in the compact, the state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

This compact will be administered by the state whose governor is the Chairman of the Southern Governors' Association. This compact may be modified by unanimous approval of the party states. Modifications will be considered annually and should be submitted to the state administering the compact by January 15 of each year. States will be requested to complete decisions on proposed modifications by March 1 of the same year.

Disputes between states as to matters arising within the context of this compact shall be resolved at the lowest possible level. Such resolution should start with state-to-state discussion, followed by facilitated mediation, and then non-binding arbitration. The administering state will serve as dispute resolution manager unless that state is a party to the dispute, in which case the previous year's administering state will so serve. If both these entities are parties to the dispute, a dispute resolution manager will be chosen by member states.

ARTICLE III - PARTY STATE RESPONSIBILITIES

It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

- a. Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resource shortages, civil disorders, insurgency, or enemy attack.
- b. Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential attack.
- c. Develop interstate procedures to fill any identified gaps and to resolve any identical inconsistencies or overlaps in existing or developed plans.
- d. Assist in warning communities adjacent to or crossing the state boundaries.
- e. Protect and assure uninterrupted delivery of services, medicines, water, food, energy and fuel, search and rescue, and critical lifeline equipment, services and resources, both human and material.
- f. Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.
- g. Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to request for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the request shall be confirmed in writing within 90 days of the verbal request. Requests shall provide the following information:

- h. A description of the emergency service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.
- i. The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.
- j. The specific place and time for staging of the assisting party's response and a point of contact at the location.

There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

ARTICLE IV - LIMITATIONS

Any party state requested to render mutual aid or exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any other party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to the declaration of a state of emergency/disaster by the governor of the party state that is to receive assistance or commencement of exercises and/or training for mutual aid and shall continue so long as the exercises and/or training for mutual aid are in progress, the state of emergency/disaster remains in effect or loaned resources remain in the receiving state(s), whichever is longer.

ARTICLE V - LICENSES AND PERMITS

Whenever any person holds a license, certificate, or other permit issued by any state party to the compact evidencing the meeting of qualifications for professional, mechanical, or other skills, such person may be permitted by a receiving state to render aid involving such skill in any party state to meet an emergency or disaster situation. The details of arranging such permission should be made the subject of supplemental agreements between party states.

ARTICLE VI - LIABILITY

No party state or its officers or employees rendering aid in another state pursuant to this compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith, to the extent that such immunity is enjoyed by officers and employees of the state in which they are rendering aid. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE VII - SUPPLEMENTARY AGREEMENTS

Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that among the states that are party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or affect any other agreements already in force between states. Supplementary agreements may comprehend, but shall not be limited to, provisions for evacuation and reception of injured and other persons and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies.

ARTICLE VIII - COMPENSATION

Each party state shall provide for the payment of compensation and death benefits to injured members of the emergency forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within their own state.

ARTICLE IX - REIMBURSEMENT

Any party state rendering aid in another state pursuant to this compact shall be reimbursed by the party state receiving such aid for any loss or damage to or expense incurred in the operation of any equipment answering a request for aid and for the cost incurred in connection with such requests; provided, that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs among those states.

ARTICLE X - EVACUATION

Plans for the orderly evacuation and interstate reception of portions of civilian population as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the emergency management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement for out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

ARTICLE XI - IMPLEMENTATION

This compact shall become operative immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by Congress, if required. Duly authenticated copies of this compact and of such supplementary agreement as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the United States Government.

This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of the withdrawal and shall not be effective until 30 days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governor of all of the party states.

ARTICLE XII - VALIDITY

This compact shall be construed to effectuate the purposes stated in Article I hereof. If any provision of the compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this compact and the applicability thereof to other persons and circumstances shall not be affected thereby.

The governors of the following 19 entities signed the compact on August 17, 1993.

Alabama
Arkansas
Delaware
Florida
Georgia
Kentucky
Louisiana
Maryland
Mississippi
Missouri
North Carolina
Oklahoma
Puerto Rico
South Carolina
Tennessee
Texas
The Virgin Islands
Virginia
West Virginia

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